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Church

THE SCOTTISH CHURCH QUESTION

BY

JAMES BARR, B.D.

GLASGOW

"Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage."—GALATIANS v. 1.

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IN

CONTINUAL REMEMBRANCE

OF

MY SON JAMES

WHO

STOOD

FOR

JUSTICE AND EQUALITY.

For valuable help received in the revision of the proofs, and the completion of the index, I accord my sincere and hearty thanks to:—

Rev. D. M. Forrester, B.D., Glasgow;
Rev. Charles Jerdan, D.D., Greenock;
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Rev. George Smart, Dundee; and
Rev. J. Sommerville Smith, M.A., Glasgow.

—J. B.

Glasgow, March, 1920.

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The Scottish Church Question.

CHAPTER I.

FOR THE GOSPEL'S SAKE.

> "*I feel that this question of liberating the Bride of Christ from her dishonourable association with the State grows upon me in importance the more I love the Lord Jesus. More strength to the arm of those true friends of the Church of England who would establish her by Disestablishment and enrich her by Disendowment.*" *

THESE words of the late C. H. Spurgeon take very high ground, but it is the ground we are prepared to take against all comers. We may and should urge the separation of Church and State on the basis of our historic principles, of national justice, and of the welfare of our native land. But we must be able to defend our policy not only as Patriots but as Christians, not only on civic grounds but in the interests of vital religion, the salvation of men, the highest welfare of the Church of Christ. And indeed, in Scotland, such questions have in the best times ever been considered in their highest bearings. When King James in 1596 set out in his own characteristic way to "rid the marches" between Church and State, and secured the banishment of David Black of St. Andrews for his pulpit declaration, the famous Robert Bruce stood forward and declared that

> "it was the liberty of the Gospel and the Sovereignty of Christ which was assailed, and they must oppose all such proceedings at the hazard of their lives." †

* C. H. Spurgeon's Autobiography, Vol. IV., page 130.

† Dr. Thomas Brown's "Church and State in Scotland," page 90.

In our history seasons of great revival have ever stirred questions of the true relation of Church and State, and pure evangelical preaching has gone hand in hand with zeal for Spiritual Independence and for the Crown Rights of the Redeemer. And these were the aspects that most appealed to the late Dr. Rainy, as when in 1882 he declared:—

> "Why, Disestablishment must be the point of departure of the whole religious future of Scotland, with all its prospects, and with all its hopes." *

We oppose the proposal for Union on an Establishment basis because it would conflict with the highest interests of the Gospel itself.

1.—Gospel Liberty.

In its very essence the Gospel stands opposed to the State-Church system. It carries a charter of equality before God, and is the enemy of all injustice in Church and State. It works by methods essentially different from those of World Powers. It eschews all compulsory methods of extension, all modes of advancement that are alien to its spiritual nature, or "inconsistent with its own spirit and enactments." Freedom is its vital breath; it inhales the air of boundless liberty; it asks a free course that it may run and be glorified; it asks that it be not shorn of its own native vigour; it claims a spacious freedom it can never have under Establishments, old or new. Luther wrote to Melanchthon at Augsburg—"Now mind, if you mean to shut up that glorious eagle the Gospel in a sack, as sure as Christ lives, Luther will come and deliver that eagle with might." Civil Establishment is but shutting up that glorious eagle the Gospel in a sack, and now once again all lovers of freedom are called to come and deliver that eagle with might.

* Assembly Proceedings, 1882, page 129.

2.—Christ's Kingdom.

The Gospel proclaims a Kingdom not of this world, in which kings are subjects and not lords. It sets forth an invisible City of God whose walls need not be buttressed by the powers of any earthly State; and when the State buttresses the walls of the Church it only sends them off the plumb. The Church of Christ asks no royal warrant for her Assemblies. It is an offence to her that the Civil Magistrate should be empowered to sit at Synods and "provide that whatsoever is transacted in them be according to the mind of God;" an offence that the Crown should to this hour still claim the sole right to convene and dissolve the Assemblies of the Church of Scotland, and should still maintain that they are unconstitutional without the Warrant of the King or his Commissioner.* Principal Hill, in his defence of Establishments, says:—

> "For human Government, in return for the support which the pure principles of religion give to its authority, concurs with Christian zeal and with *the feebleness of ecclesiastical power* in repelling every outrage against religion." †

But indeed the Gospel asks no such authorisation. In God's name, and in the name of no earthly government, it sets up its banners. Leaning on no arm of flesh it goes forth in the strength which God supplies. Drawing nothing of its authority from Acts of Parliament it speaks with a voice from Heaven. It acts in virtue of powers derived not from the State but from Christ. In Richard Cameron's expressive words its ministers are not King's ministers but Christ's ministers. Its sanctions are not civil but spiritual. Its mandate is from on High. Clothed in Divine Authority it needs and covets no

* Handbook of Scottish Church Defence, page 41; Orr's Free Church of Scotland Appeals, pages 288 and 466.

† Hill's "View of the Constitution of the Church of Scotland," page 8.

investiture by the State. For what added validity could any State ever give it? As Robert Hall says:—

> "Human laws may debase Christianity, but they cannot improve it; and being able to add nothing to its evidence, they can add nothing to its force." *

So John Locke in his Letters on Toleration: "Much less can the Civil Magistrate, by any establishment of law, add anything to the truth or validity of his own or any religion whatsoever." † Or we may go back to John Knox himself. In an account he gives of the sending of the Acts in favour of the Reformation to France to be laid before Queen Mary and her husband, he says—

> "All that we did was rather to show our dutiful obedience than to beg of them any strength to our Religion which from God has full power, and needeth not the suffrage of man, but in so far as man has need to believe it, if that ever he shall have participation of the life everlasting." ‡

3.—The Church and its Membership.

The Gospel seeks to gather into the Church a body of men who love the Lord Jesus Christ in sincerity. In all churches, unhappily, there is a considerable fringe of those whose attachment is more nominal than real; but an Establishment puts a premium upon nominal profession and adherence. Men join it or profess attachment to it because it has the vogue of a National Establishment, and has received the recognition of the powers that be. It has national prestige, it has social status. The State enlarges its borders for it, lengthens its cords if it weakens its stakes, makes the National Church commensurate with the Nation itself. Thus the "judicious" Hooker—

* On Dissenters, Works, Vol. III., page 144.

† Letters on Toleration, p. 124.

‡ Knox's Works, Laing, ii. 126; Hume Brown's John Knox, ii. 92.

"There is not any man of the Church of England but the same man is also a member of the Commonwealth, nor any man a member of the Commonwealth, which is not also of the Church of England."* Thus Blackstone:—"The laity of the Church of England are such of the people as are not comprehended under the denominations of clergy."† In the Letters and Journals of Robert Baillie, Principal of the University of Glasgow, and one of the Commissioners from Scotland to the Westminster Assembly, he is constantly assailing the Independents for their "singularity," their "irredeemable obstinacy," and their "unsufferable tenets;" and among these he instances their insistence on a genuine conversion as a title to Church Membership. Thus he says;—

> "They will admit of none to be members of their Congregation of whose true grace and regeneration they have no good evidence. By this means they would keep out of the Christian Church forty for one of the best reformed Churches." ‡

Thomas Boston, speaking of the time he read Fulwood's Discourse on the Visible Church, says:—

> "From that time I had little fondness for National Churches, strictly and properly so called, as of equal latitude with the nations; and wished for an amendment of the constitution of our own Church, as to the membership thereof." **

At the Revolution Settlement in Scotland the presentation of ministers was left in the hands of Kirk Session and Heritors, the latter a purely civil body. And in connection with the passing of the Church Patronage

* Eccles. Polity, Book VIII. Chap. I. 2; Works II., page 485.

† Commentaries, Book I., Chap. 11.

‡ Letters and Journals of Robert Baillie, A.M., Laing's Edition, Volume II., page 254.

** Memoirs, Per. 8; Works, Vol. XII., pages 157-158.

(Scotland) Act the Church petitioned the State to the effect that the appointment should be vested in Heritors, Elders, and Communicants; and some in the Assembly proposed that the election of the Parish Minister should be by the votes of "the whole ratepaying parishioners professing themselves Christians," while in Parliament some were for the ratepayers or those on the School Board Electoral Roll.* It is in this connection that Vinet says:—

> "What the Church can, what she ought to oppose, is, every system, every alliance, which would prevent her from ascertaining, as far as it is possible to do so, that the elements of which she is composed are, indeed, the elements of a Church, and that she is, in one word, a Church, and not a people."†

On this subject of membership I will adduce two witnesses from within the Establishment itself. Canon Liddon wrote these words which are true not only of the Church of England, but of every State Church in the world:—

> "So long as the Church of England is connected with the State, its social importance will always be greatly in advance of its religious force. It will contain, as it does contain, in nominal connection with itself, as being the State Institute of religion, elements of thought and feeling which are hostile, not merely to its own distinctive organisation and principles, but even to the most fundamental dogmas of the faith of Christ.‡

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* Life of Robert Wallace, M.P., page 625; 3 Hansard ccxx., pages 1086-1185 and 1527-1604, 6th July, 1874.

†Essay on Religious Conviction and Separation of Church and State, page 393.

‡ Letter to *The Guardian*, March, 1868.

My other witness is from within the Scottish Establishment—Mr. Christopher N. Johnston, now Lord Sands, Procurator of the Church of Scotland—from whom I take these two quotations:—

"There can be no doubt that one result of Disestablishment would be greatly to lower the social status of the Presbyterian clergy in Scotland. The ministry will be still more sparsely recruited than at present from the upper ranks of society. A large section of the upper and well-to-do-classes, *who adhere to the Established Church just because it is a National Established Church* would drift away from it were it disestablished. The status which the clergy of the Established Church enjoy as the clergy of the State Church, and in the benefit of which, as above explained, the dissenting Presbyterian clergy share, would be lost. In a word, the social status of Presbyterian clergy in Scotland would rapidly approximate to the unhappy position of dissenting ministers in England, and with the deterioration in social status must necessarily be involved an immense diminution of public usefulness, and of influence with those in whose hands must always reside the largest opportunities for good or for evil."*

He then goes on to describe another class of men who are drawn to the Church because it is an Establishment, and for whose interests the State Church, he argues, should be continued. Here is the flattering description:—

"They are respectable men, members of the Church, many of them in the upper ranks of life, but they are not active Churchmen or very zealous Christians. They don't subscribe much, if at all, to missions, they know nothing about the Schemes of the Church, they dislike a very active minister, they

* Handbook of Scottish Church Defence, pages 59-60.

regard a very earnest sermon as almost a personal affront, prefer culture to evangelism in the pulpit, and abominate appeals for money at the close of the discourse. Their ingenuity in defence of their purses is very great. Appeal to them to subscribe to foreign missions and they demand whether there are not numbers of home heathen just as spiritually destitute as the Africans. Approach them on behalf of home missions and they are found entrenched behind the claims of the nearest Infirmary. Now this class of men are members of the Established Church because it was the Church of their fathers before them, because it is the Established Church of the land, and because they dislike and even despise what they regard as the unreasonable turbulence and fanaticism of dissent, and also, be it frankly said, because the Established Church exercises no compulsion on their pockets. The unction, too, which often characterises dissenting evangelicism is their special abhorrence; they cannot away with the men who, in everyday conversation, persistently talk of 'ministers' as 'pastors,' 'Sunday' as 'the Sabbath,' and 'the Bible' as 'the Word;' and indeed one reason which leads them often to condone the missionary zeal of the Established Church is its comparative freedom from cant."*

4.—Gospel Resources.

Lastly, the Gospel calls us to a great reliance on its own resources, for its maintenance and its propagation. Voluntaryism is but the Gospel in action. Thus Dr. David King of Greyfriars, Glasgow :- -

"What is the Voluntary principle? It is the power of the Gospel to influence the will—to realise

* Handbook of Scottish Church Defence, pages 61-62.

its own promise, 'Thy people shall be willing in the day of thy power' . . . I repeat that the voluntary principle for which we contend is only, and wholly, the efficiency of the Gospel."*

On the other hand, Civil Establishments are founded on distrust of the Gospel's native power and distrust of the Christian people. The State Endowment is necessary, in Chalmers's words, to create an appetite for the Gospel, and it is provided legally on the assumption that it would not be given voluntarily. But to declare that the Church of Christ is not self-sustaining, and that the Gospel must be indebted to extraneous aid, is to libel the Church, not to defend it. It is infidelity toward God and man, toward Christ and the Gospel, to say that if the State Grant is withdrawn, the Church cannot support her own institutions. Dr. Maclaren of Manchester said:—

"The fear is as baseless as if men should dread that the great vault of Heaven should fall because no visible pillars hold it up." †

And it is unaided that the Gospel has won its greatest triumphs. When Dr. Lee ascribed the progress of Christianity to aid it derived from the civil power, John Williams, the South Sea Missionary, made reply to him in these notable words:—

"Having witnessed the introduction of Christianity into a greater number of islands than any other missionary, I can safely affirm that in no single instance has the civil power been employed in its propagation. It is true that the *moral* influence of the chiefs has, in many instances been most beneficially exerted in favour of Christianity; but never, to my knowledge, have they employed coercion to

* Memoir, page 85.

† Religious Equality, by Alexander Maclaren, B.A., D.D., page 21.

induce their subjects to embrace it. And I feel satisfied that in few cases has the beautiful prediction been more strikingly accomplished:—'And kings shall be thy nursing fathers, and their queens thy nursing mothers.' Had the missionaries desired the exercise of that power, the chiefs were not in a position to gratify them; for they had to defend themselves against the fury of a large proportion of their own subjects by whom they were so fiercely attacked. I am moreover happy in being able to contradict the assertion of Dr. Lee; because, were it true, it would have detracted from the honour of Christ, by the interposition of whose providence the great work has been effected. 'His own arm hath gotten him the victory.' Further, it would have derogated from the honour of Christianity, which has triumphed, not by human authority but by its own moral power, by the light which it spread abroad, by the benevolent spirit it disseminated; for 'kindness is the key to the human heart,' whether it be of savage or of civilized man; and when, instead of being barbarously murdered they were treated with kindness, the multitude immediately embraced the truth, for they naturally attributed this mighty transformation in their former sanguinary chieftains to the benign influences of the Gospel on their minds."*

* Narrative of Missionary Enterprises in the South Sea Islands, pages 190, 191.

CHAPTER II.

WHAT SAITH THE SCRIPTURE?

"*Whosoever is of a willing heart, let him bring it, an offering of the Lord.*"—Exodus xxxv. 5.

"*Freely ye have received, freely give.*—Matthew x. 8.

"*Even so hath the Lord ordained that they which preach the Gospel should live of the Gospel.*"—I. Corinthians ix. 14.

"*Let him that is taught in the word communicate unto him that teacheth in all good things.*"—Galatians vi. 6.

1.—The Old Testament.

MANY, like Chalmers, seek refuge in the Old Testament when driven from the New. It would be strange surely if we had to go to the Old Testament to be taught the way of supporting the New Testament Church. And it would not be surprising if in the Theocracy we found something seemingly akin to our State Systems.* But as a matter of fact we find there an entire absence of the element of compulsory support which is the central feature of the modern Establishment. There is no compulsory levy from Genesis to Malachi, no solitary instance of tithes raised by process of law, no tax imposed on those within or without the gates. The Levites are not even given lands with the other tribes, but it is ordained:—

> "The Priests the Levites, and all the tribe of Levi, shall have no part nor inheritance with Israel; they shall eat the offerings of the Lord made by fire, and his inheritance. Therefore shall they have no inheritance among their brethren: the Lord is their inheritance, as he hath said unto them." †

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* On this subject see M'Gavin's "Church Establishments Considered," pages 7-32 and 90-99.

† Deut. xviii. 1-2.

We find the Voluntary System enshrined alike in the Jewish Tabernacle and the Jewish Temple. Thus of the erection of the former we read:—

> "And the Lord spake unto Moses, saying, Speak unto the children of Israel, that they bring me an offering: of every man that giveth it willingly with his heart ye shall take my offering."*
>
> "And they came, every one whose heart stirred him up, and every one whom his spirit made willing, and they brought the LORD's Offering "†

And in like manner of the Temple we read:—

> "Then the people rejoiced, for that they offered willingly, because with perfect heart they offered willingly to the LORD: and David the king also rejoiced with great joy."‡

Some indeed rest the case on similes and metaphors, and the beautiful words of Isaiah have been made the basis for Establishments—"And kings shall be thy nursing fathers, and their queens thy nursing mothers: they shall bow down to thee with their face toward the earth, and lick up the dust of thy feet."** The history of Establishments is certainly not reflected in the latter part of the verse, while they have so applied the former as to make the Church the adopted child of the State, never to be weaned, but to be held in perpetual ward. Certainly in her infancy the Christian Church neither needed nor received such nursing as they suppose, and when at length the nursing father came in and prescribed State taxes and State gold as wholesome nutriment, the poor Church almost lost its life, and when he wrapped his imperial purple around it he almost suffocated it. So John Milton:—

> "Constantine, who out of his zeal, thinking he could be never too liberal a nursing father to the

* Exodus xxv. 1-2 † Exodus xxxv. 21.
‡ I. Chronicles xxix. 9. ** Isaiah xlix. 23.

Church, might be not unfitly said to have overlaid it or choked it in the nursing."*

2.—The New Testament

Many passages might be quoted from the New Testament similar to those given at the head of this chapter. They are absolutely clear as to the Church's duty, and they indicate the one and only law laid down by Christ and His Apostles for the support of the Christian Church. In the New Testament there is no shadow of support for the system of State Endowments. They are absolutely in opposition to the ordinance of Christ there laid down. There is a dead silence in the New Testament as to anything like the Establishment mode of Church support. So much is admitted by pronounced supporters of the State-Church system. Thus Chalmers in his London Lectures confesses:—

> "The absence of that distinct and definite authority for an Established Church in the New, which shines forth so unequivocally in almost every book of the Old Testament."†

And assailers of the system from John Wycliffe in the Fourteenth to the Voluntary Leaders in the Nineteenth Century, have found in the New Testament their stronghold and their armoury. Thus Wycliffe:—

> "Men wonder hugely why curates are so charrouse to the people in taking tithes, since Christ and His Apostles took no tithes, as men do now, and neither paid them nor even spoke of them in the

---

* The likeliest means to remove Hirelings out of the Church: Works, St. John's Edition, Vol. iii., page 5.

† Select Works of Dr. Chalmers, Vol. xi., page 178.

Gospel and the Epistles, which are the perfect law of freedom and grace." *

3.—Apostolic Practice.

It is urged indeed that the times were not propitious for the establishment of the Christian Religion; to which it may be replied—first, that Christ came in the fulness of times; second, in the words of Dr. Andrew Marshall in his "Voluntary Sermon":—

> "If ever Christianity needed an Establishment it must have been, one should think, in the Primitive Age—it must have been when it was new and unfriended, and little known in the world." †

Nor is there anywhere so much as a hint either from Christ or His Apostles that at any time or under any Government the Church should be established and endowed by the State. We cannot better close this chapter than by quoting the words that were used by the Statesman, M. Réveillaud, in a speech delivered in the French Chamber of Deputies in 1905 in connection with the bill passed that year for the repeal of the Concordat of 1802 and the complete separation of the Church and State. He said:—

> "It is unnecessary to recall the well known invitation of Jesus to His disciples 'to render unto Cæsar the things that are Cæsar's and unto God the things that are God's,' or that other equally well known saying, 'My Kingdom is not of this world.' It is certain that those words produced at first fruit entirely new, for the first Assemblies of Christians which had been constituted in accordance with this

* Wycliffe, Tract xxii., "The Great Sentence of the Curse Expounded," chapter 18.

† Memoirs of Dr. Andrew Marshall, page 134.

spirit and this teaching of Christ were Free Voluntary Churches at once separated from the State priesthood. Imagine to yourselves Paul and his companions expecting their stipend from the Budget of Nero, or Peter waiting to carry off his salary and that of his disciples on whom he had laid hands from the shekels of the Temple of Jerusalem! Complete separation from the State was then the first form of the existence and of the operation of the Churches in that period of primitive Christianity, when the spirit of Christ, the spirit of liberty and truth inspired His disciples."

CHAPTER III.

THREE CENTURIES OF THE VOLUNTARY SYSTEM.

> "*The services of God are free from any pecuniary charge. If there is any fund, it is raised not by a burdensome tax such as a grinding superstition imposes, but each person presents monthly, or whenever he chooses, a moderate contribution; and not even that unless his circumstances permit him to follow the bent of his inclination. For no one is under compulsion, but each gives cheerfully, so these offerings constitute as it were the sacrifice of genuine devotion.*" *

These are the words in which Tertullian describes the simple Christian Economics of the Early Church. And under that Scriptural Discipline the Church won her greatest triumphs. These primitive Voluntaries who were in the real Apostolic Succession drew not a single shilling from any National Exchequer; they went forth not only without the countenance, but under the frown of the State. The whole might and majesty of Rome was hurled against the Infant Church. They passed through the ten fieriest persecutions of all history. Great Bishops like Polycarp perished at the stake. Ignatius, Bishop of Antioch, was cast to the lions in the Roman arena. Justin Martyr, the Apologist, bearded the Roman tyrants in their den, and the Stoics who put him to death saw in his noble end the fruits of a philosophy loftier than their own. Noble Roman matrons like Felicitas, rich in the wealth of this world and rich in her seven Christian sons, shared with them the noblest of deaths. Maid-servants like Blandina were tossed and torn by bulls in the arena. The fair Perpetua, turning a deaf ear to the entreaties of her father, was first thrown to the wild beasts and then

* Tertullian's Apology, Chap. XXXIX; see Anti-Nicene Library XI., page 119.

despatched by the gladiator's sword. They were broken on the wheel; they were cast to the lions; they were burned at the stake; they were stoned; they were sawn in two; they were cut in pieces with the sword:—

"They met the tyrant's brandished steel,
The lion's gory mane,
They bowed their necks the death to feel:
Who follows in their train?"

And they won. They braved and they discomfited a hostile world. They vanquished the sword of the Ceasars. They smote the gods of Rome. From land to land they sped. Pliny the Younger, governor of Bithynia and Pontus, wrote to the Emperor Trajan in 110 A.D., that the adherents of the new faith were of every age and rank, that the contagion of this superstition, as he called it, had seized not only cities, but also the villages and the farm-houses; and he added:

> "The temples are almost deserted, sacred rites have for a long time been interrupted, and victims for sacrifices can rarely find a purchaser." *

They accomplished the widest and swiftest extension of the Gospel the world has ever seen. Justin Martyr wrote about 160 A.D.:—

> "There exists not a people, whether Greek or Barbarian, or any other race of men, by whatsoever appellation or manners they may be distinguished, however ignorant of arts or agriculture, whether they dwell under tents or wander about in covered wagons, among whom prayers are not offered up in the name of a crucified Jesus to the Father and Creator of all things."†

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* Pliny, Book x., epistle 97.

† Dialogue with Trypho, Section 117; see Anti-Nicene Library, Vol. ii., page 247.

Tertullian proudly boasted that the Christian faith had penetrated into haunts of Britain inaccessible to the Roman arms.* And in 198 A.D. he wrote:—

> "We are but of yesterday, and we have filled every place among you—cities, islands, fortresses, towns, market places, the very camp, tribes, companies, palace, senate, forum—we have left nothing to you but the temples of your gods." †

When the Evangelisation of the world was thus accomplished by the Apostolic method, and when Missionary effort to this hour knows no other way, it is strange that we should still dream of another mode for the fuller Evangelisation of our own land.

Churchmen, historians, and statesmen vie with each other in extolling the Gospel triumphs of the first three conturies and the means by which they were won. Thus Jeremy Taylor:—

> "For Christianity lasted pure and zealous, it kept its rules and observed its own laws, for three hundred years or thereabouts; so long the Church remained a virgin; for so long they were warmed with their first fires, and kept under discipline by the rod of persecution; but it hath declined almost fourteen hundred years together."‡

Gibbon, who cannot be said to be writing out of prejudice, says:—

> "While that great body (the Roman Empire) was invaded by open violence or undermined by slow decay, a pure and humble religion gently insinuated itself into the minds of men, grew up in silence and

* An Answer to the Jews, C. 7: Anti-Nicene Library, Vol. xviii., page 218.

† Apol. 37; Anti-Nicene Library, Vol. xi., page 116.

‡ Sermon "Growth in Grace:" Works IV., page 497.

obscurity, derived new vigour from opposition, and finally erected the triumphant banner of the cross on the ruins of the Capitol." *

Edmund Burke said:—

"The Christian religion itself arose without establishment, it arose even without toleration; and whilst its own principles were not tolerated, it conquered all the powers of darkness—it conquered all the powers of the world." †

Vinet has written:—

"Before any alliance was contracted between Church and State, Christianity had passed three centuries in isolation. . . . It is certain that in proportion there was then a far greater extension of the reign of Christianity upon the earth than during all following ages. To take only this view of things, those first times were beyond all comparison. And although that external development should not be taken for granted to be the standard of the internal life of the Church, that internal life, separately and minutely considered, has no cause to fear comparison with any of more modern date. Although our admiration for the days of the Apostles and Fathers should diminish by one half, that age would no less remain, in our opinion, and in that of the whole world, the 'golden age' of the Christian Church."‡

And most beautiful of all is Mr. Gladstone's tribute in his first book—"*The State in its Relation with the Church*"—published in 1838 as a sequel to the London Lectures of Chalmers:—

* Decline and Fall, Chap. xv.

† Hansard's Parliamentary History, Vol. XVII., page 772; Speech on Bill for the Relief of Protestant Dissenters, March 17, 1773.

‡ Essay on Religious Conviction and Separation of Church and State, pages 312-313.

"The union with the State is to the Church a matter of secondary importance. *Her* foundations are on the holy hills. Her charter is legibly divine. She, if she should be excluded from the precinct of government, may still fulfil all her functions, and carry them out to perfection. Her condition would be anything rather than pitiable, should she once more occupy the position which she held before the reign of Constantine." *

* The State in its Relations with the Church," page 4.

CHAPTER IV.

THE CHURCH ESTABLISHED AND ENDOWED.

"Ah, Constantine! of how much ill was cause
Not thy conversion, but those rich domains
That the first wealthy pope received of thee."

—DANTE: *Inferno, xix., 118.*
(Milton's Translation.)

1.—Toleration.

In the year 311, the Emperor Galerius issued his famous Edict extending full toleration to the Christians. In the following year, in the battle against Maxentius, Constantine is reputed to have seen in the noon-day sky the flaming cross inscribed:—"In this, conquer," and what is called his conversion is dated from this time, although it was only a short time before his death in 337 A.D. that he allowed himself to be baptized. In 313 A.D. in concert with the Emperor of the East, he issued the Edict of Milan establishing absolute freedom of worship for all religions, virtually disestablishing Paganism, and recognising Christian Assemblies as Corporate Bodies capable of holding property; and to these the Churches taken in the persecution were now to be handed back. In 321 A.D. he granted to all the subjects of the Empire the power of bequeathing their property to the Church. In 323 A.D. he became Emperor of East and West, and that year he issued his Proclamation to the Peoples of the East, one of the most enlightened documents of that age, animated as it is by principles of common justice and equal treatment:—

"Let the followers of error," it ran, "freely enjoy the same peace and security with those who

believe; this very restoration of common privileges will be very powerful to lead men towards the road of truth. Let no one molest his neighbour. What the soul of each man counsels him, that let him do. Only let men of sound judgment be assured that those alone will live a life of holiness and purity whom Thou callest to find rest in Thy holy laws. But for the others who keep apart from us, let them, if they please, retain the temples of falsehood. We have the resplendent house of Thy truth given us as our inheritance. But this we pray for them also, that they may come to share the gladness of a common belief." *

2.—Establishment.

Had such enlightened sentiments continued to prevail through the Christian ages, the sword of persecution would never again have been unsheathed, nor would the oceans of blood that have stained Christian lands ever have been shed. Unfortunately to the expression of his personal conviction he soon came to add the resources of his imperial power, and by 326 A.D. we find him conferring exclusive privileges on the Christian Church, rewarding it with rich donations, and even appointing that certain City Churches should have a revenue out of the municipal funds. In 330 he made Constantinople the seat of his Government, and proceeded to confiscate for Christian uses the revenues of Pagan Temples and to surround the Church with the strength and wealth of the Empire. By 353 A.D. his son Constantius ordered all temples to be closed, and declared:—

"We will that all abstain from sacrifices; if any be found doing otherwise, let him be slain with the sword." †

* Taylor Innes on Church and State, page 30.
† Taylor Innes on Church and State, page 33.

And in 380 A.D., Theodosius the Great completed the process by establishing Christianity throughout the whole Roman World :—

> "We will that all the nations, who are ruled over by *our moderation and clemency*, shall cultivate and exercise that religion which the divine Apostle Peter originally introduced and has since handed down to the inhabitants of Rome."

Then follows the clemency :—

> "Those who follow this doctrine we exhort to assume the name of Catholic Christians; and all others, judging them to be senseless and insane, we ordain to bear the infamy of holding heretical dogma; nor must their Congregations assume the name of churches. On the contrary, they must expect to be visited, first by the divine vengeance, and then by that also of the authority which we have received from the will of heaven."*

We may here pause to give some striking comments on the action of Constantine and its effects upon the Christian Church. Dante says in his De Monarchia :—

> "O happy people! O Ausonia, how glorious hadst thou been, if either he, that weakener of thine Empire, had never been born, or if his own pious intention had never deceived him?" †

Hallam declares :—

> "Passing rapidly from a condition of distress and persecution to the summit of prosperity, the Church degenerated as rapidly from her ancient purity, and forfeited the respect of future ages in the same proportion as she acquired the blind veneration of her own."‡

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* Taylor Innes on Church and State, pages 35-36.

† De Monarchia, Church's Translation, page 79.

‡ Middle Ages II., page 141.

And John Wesley in his sermon on "Former Times," says:—

> "I have been long convinced, from the whole tenor of Ancient History, that this very event, Constantine's calling himself a Christian, and pouring that flood of wealth and honour on the Christian Church, the Clergy in particular, was productive of more evil to the Church than all the Ten Persecutions put together. From the time that power, riches, and honour of all kinds were heaped upon the Christians, vice of all kinds came in like a flood, both on the Clergy and Laity. From the time that the Church and the State, the kingdoms of Christ and of the world, were so strangely and unnaturally blended together, Christianity and Heathenism were so thoroughly incorporated with each other, that they will hardly ever be divided, till Christ comes to reign upon earth."*

3.—Endowment.

Coming now to the State Endowments, Selden states that for the first four hundred years after Christ, tithes, even as voluntary offerings, were unknown in the Christian Church. His words are:—"Neither for ought appears in old monuments of credit, till near the end of this first 400 years, was any payment to the Church of any tenth part, as a tenth, at all in use."† Tithes were first enjoined by Canon Law at the Council of Macon in 585 A.D., but Charlemagne was the first to give the confirmation of his Capitulary Civil Statute to these Ecclesiastical Injunctions.‡ In 779 A.D. he ordained that every one should pay tithe, and that the proceeds should be disposed of by the Bishop. From this moment, tithe became a tax on land,

* Sermons, vol. ii., page 569.
† History of Tithes, chapter 4, paragraph 1.
‡ Hallam; Middle Ages II., 146.

a compulsory charge recoverable by law. The Capitulary of Charlemagne regulated the division of the tithe into three parts—one for the bishop and his clergy, a second for the poor, and a third for the support of the fabric of the Church.* In later times there was a fourfold division of parish tithes—one for the bishop, one for the incumbent, one for the poor, and one for the fabric.† That it was a tax and not a voluntary offering very soon appeared. Alcuin in his Remonstrances to Charlemagne and his Imperial Chamberlain protested against the imposing of tithes on the newly converted Saxons in North Germany, declared it was hindering the progress of the Gospel, and spoke of tithe-paying as "*jugum decimarum*," and of Charlemagn's ordinances as "*exactiones decimarum*," phrases which can hardly be translated as "pious donations." He points out that the Apostles laid none of the burdens of law upon the converted Gentiles, and that they ever acted on the principle—"Freely ye have received, freely give;" and he proceeds:—

> "Let but the same pains be taken to preach the easy yoke and the light burden of Christ to the obstinate people of the Saxons, as are taken to collect the tithes from them or to punish the least transgression of the laws imposed on them, and perhaps they would no longer be found to repel baptism with abhorrence. Let the preachers of the faith but train themselves after the example of the Apostles, let them but rely on the gracious providence of Him who says—Carry neither purse nor scrip, and of whom the prophet declares, He saveth them that trust in Him."*

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* Hallam, Middle Ages, II., 145.

† Blackstone's Commentaries, book I., chapter ii. Selborne, Defence of the Church of England, page 128.

* Neander's Church History, Bohn, vol. v., page 105-106.

CHAPTER V.

THE STATE ENDOWMENTS OF THE SCOTTISH CHURCH.

> "*As the Roman Catholic clergy pretended to have a right to the tithes as belonging to them* jure divino, *so the Protestant clergy from the very first dawn of the Reformation advanced the same pretensions, which, fortunately for the country, they were never able to establish.*"—Lord Robertson.*

1.—The Mediaeval Church.

The earliest authentic records of the bestowal of public lands upon the Church in Scotland date from the twelfth Century. King David I. erected Abbeys all over the land, founding no fewer than fourteen or fifteen Religious Houses, and richly endowing them all with Crown Lands and other public benefactions, to such an extent that one of his successors called him "a sair saunct to the Croon." He seems also to have issued a writ imposing the payment of tithes. But it is in the reign of William the Lyon, in the year 1190, that we first have a Royal "Rescript," making the payment of tithes compulsory, and ordaining that if a "Northern villein" showed unwillingness to pay tithes, then the Thane or Lord over him shall take from him by force not only the teind but also a forfeit of one cow and one sheep. If the Thane neglected this duty, or failed to pay his own teinds, he was ordained to hand over to the King a forfeit of eight cows. Surely it might be admitted that this is a statutory exaction.†

But the tithes were not as yet confined to the Parishes from which they were drawn, and as Monasticism

* The Prestonkirk Case, Special Report, page 15; 3rd Feb., 1808.

† MacEwen's History of the Church in Scotland, page 217; Williamson's "The Teinds," page 14.

increased in influence they were more and more assigned to the monasteries. In various ways a Church and its dues would be bestowed upon a Religious House. Tithes and Landed Properties exacted from a resident parochial Clergy were swallowed up by the Monasteries, the Parish in such cases being served by a Vicar who had often himself to collect the "small tithes" and petty dues that made up what was known as the "vicarage" teind, the whole of the "parsonage" or grain tiend going to the Monastery.* And so what Selden says took place all over Europe was also enacted in Scotland:—

> "By arbitrary consecrations Parish tithes were alienated from the Parish and transferred to the Monastery, to the extent, in some cases, of the tithes of eighty parishes to one monastery."

Thus Professor MacEwen says that Dunfermline Abbey acquired lands as far north as Elgin and as far south as Berwick. He further records that "in 1265 four Abbeys —Paisley, Kelso, Holyrood, and Arbroath—had become the proprietors of the endowments of 126 parishes." †

Cosmo Innes says:—

> "At a very early period—as early, indeed, as our records reach—it had become the custom for the patrons of Churches, with consent of the bishop, to confer them in property upon the great Monasteries and Religious Houses of Regulars. Thus Paisley had its thirty parish churches; Holyrood, twenty-seven; Melrose and Kelso each as many; and to such an extent did this prevail, that in some districts two-thirds of the parish churches were in the hands of the monks.‡

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* C. N. Johnston's Handbook of Church Defence, page 190.

† History of the Church in Scotland, pages 177, 222.

‡ Scotland in the Middle Ages, page 132. See also Cunningham's Church History of Scotland, Vol. I., pages 70-84.

At the Reformation, of 940 Parochial benefices, no fewer than 678 had been in this way attached to the Abbeys and Religious Houses. By that time the Church in Scotland had grown enormously rich, being possessed of one-third of the area of the country and of half its wealth. Hallam says, "At least one-half of the wealth of Scotland was in the hands of the clergy, chiefly of a few individuals."* Sir George Mackenzie puts it that the revenues derived by the Church from lands were equal to one-fourth of the rents of the whole land in the country, and the teinds to another fourth.†

2.—The Reformation Period.

At the Reformation a large portion of the teinds and the whole of the Church lands were seized by the Crown. The Privy Council allowed the Clergy of the Roman Church to retain two-thirds of their benefices during their life-time, the other third to be divided between the Crown and the Reformed Ministry. The two-thirds assigned to the Roman Clergy were all ultimately seized by the nobility through a varied series of pious frauds, and the only Church lands that now remain with the Church are the sites of the Parish Churches, the Manses, and the Glebes. It was found that the remaining third of the benefices amounted to £72.491, and a Special Commission in 1562 assigned £24,231 to the Reformed Church; the remainder should have passed to the Crown, but much of it also was seized by the nobility. This arrangement was not sanctioned by Parliament till 1567; and, saving that some parishes continued uninterruptedly in the enjoyment of their teinds, and that a Special Act was passed in 1563 relative to Manses, the Reformed Church was not definitely established or endowed till that year.

* Constitutional History of England, iii. 313.

† Oliver's "The Scottish Teinds," page 2.

The Reformers had their own views as to the destination of the teinds and lands hitherto enjoyed by the Church. In his very first sermon in 1547 Knox declared :—

> "The teinds, by God's law, do not appertain of necessity to the Kirkmen."*

In 1556 he called attention to the original foundation in law of the Tithes—in these words :—

> "Touching Tithes, by the law of God, they appertain to no priest, for now we have no levitical priesthood; but by law, positive gift, custom, they appertain to princes, and by their commandment to "men of Kirk," as they would be termed. In their first donation respect was had to another end, as their own law doth witness, than now is observed. For first, respect was had that such as were accounted distributors of those things that were given to Churchmen should have their reasonable sustenance of the same, making just account of the rest, how it was to be bestowed upon the poor, the stranger, the widow, the fatherless, for whose relief all such rents and duties were chiefly appointed to the Church."†

In the First Book of Discipline, he laid down that all the revenues of the old Church were to fall to the new, and to be applied to the three great fixed purposes—the maintenance of the ministry, the education of the youth, and the support of the poor. And among the three objects it was the support of the poor on which he most strongly insisted. He had a special care for the betterment of the tillers of the soil, "the labourers and handworkers of the ground," who were ground down by imposition of tithes and thereby alienated from the Gospel. Thus in the supplication to the Assembly of 1562 :—

* Works by Laing, I. viii., page 194.

† Works by Laing, iv. 27.

"For now the poor labourers of the ground are so oppressed by the cruelty of those that pay their third, that they for the most part advance upon the poor whatsoever they pay to the Queen or to any other. As for the very indigent and poor, to whom God commands a sustentation to be provided of the teinds, they are so despised that it is a wonder that the sun giveth light and heat to the earth where God's name is so frequently called upon, and no mercy, according to His commandment, shown to His creatures." *

The Reformers on some occasions even went further, and the Assembly of December, 1566, adopted the following remarkable Resolution :—

"Nevertheless, in consideration of the law of God, the Assembly orders the persons who hear the doctrines of salvation at the mouths of the ministers, and thereby receive special food to the nourishment of their souls, to communicate temporal sustentation to their preachers; *for to take from others, contrary to their will, whom they serve not, they judge not to be their duty nor yet reasonable.*"

3.—The Reformed Church and the Teinds.

But the Reformers withal were still State-Churchmen, and in that same Assembly they made application to Parliament to be put in full liberty of the patrimony of the Kirk; and Parliament, by an Act (1567, chapter 10) met them by making a provision for the parishes of a 'third of the haill benefices,' the collectors being obliged to account to the Exchequer for their intromissions. This provision was to be temporary, "aye and until the Kirk come to the full possession of their proper patrimony, which is the teinds." A Commission was thereafter appointed to modify or fix stipends out of the thirds.

* John Knox by Taylor Innes, 106-108.

In 1587 an Act was passed for the "Annexation of the Temporalities of Benefices to the Crown," but from this Act teinds, manses, and glebes were expressly excluded. In the Parliament of 1617 steps were taken to appoint a fuller and more regular stipend out of the teinds, and a Commission was set up "to appoint and assign, at their discretion, out of the teinds of every parish a perpetual local stipend to the ministers, present and to come."

Immediately on his accession in 1625, Charles I., finding that owing to the rapacity of the nobles the royal revenue had been greatly impoverished and the Church's allotted portion greatly diminished, resolved to revoke all royal grants. Accordingly he claimed for the Crown all erections of Church lands, teinds, and parsonages. The nobles took alarm, and in 1627 a Commission called the "Commission of Surrenders and Teinds" was set up, and decrees arbitral were pronounced, but no estates were seized for the Crown. These decrees, however, led to the Act of 1629, which corresponds in Scotland to the Tithes Commutation Act of 1836 in England. The teind had hitherto been reckoned as a tenth of the actual crop of the year, now it was put at a "fifth part of the constant rent which each land payeth in stock and teind where the same are valued jointly," this being supposed equal to a tenth of the produce of the land. By the Act of 1633,* a new Commission was empowered to value the teinds, and to "appoint and modify a constant local stipend and maintenance to every minister to be paid out of the teinds of the parish." The valuation fixed for all time the amount of available teind, and when the amount fixed or modified for the support of the minister is equal to that valuation, the free teind is said to be exhausted and there can be no further augmentation in that parish. Where the stipend

* It is notable that both this Act and that of 1617 were passed during the reign of Episcopacy in Scotland.

is less than the value fixed, there are unexhausted teinds, and application can be made to have the stipend augmented or re-arranged at stated intervals. Various other Commissions followed, and in 1707 the jurisdiction in these matters was transferred to the Judges of the Court of Session, sitting as a Court of Teinds. According to the Parliamentary return of 1907, the teinds of 879 parishes amounted in value to £361,826 per annum, and the stipends paid therefrom came to £234,706, leaving £127,120 of unexhausted teinds.

4.—The Conference Proposals on the Endowments.

It falls to us now to consider the proposals of the two conferring Churches in so far as they relate to the disposal of the Endowments. The general position of the United Free Church is stated in these terms :—

> "The United Free Church can have no difficulty in saying that it could not accept or share endowments involving any State control or restraint of the Church's spiritual freedom or continued dependence on statutory support. A union of the Churches would be possible only if such Funds and Properties as Parliament shall make over to the Church of Scotland are made its own, as the Funds and Properties of the United Free Church are its own."*

The Committee of the Church of Scotland interpret the position of the representatives of the United Free Church to be :—

> "The ancient endowments will not form an obstacle to union if, under a Parliamentary settlement, the endowments of the Church of Scotland are

* United Free Church Report, 1919, page 9.

vested in the Church on terms consistent with the freedom of the Church as embodied in the Draft Articles.*

The Church of Scotland proposals are outlined in the following Statements:—

"The ancient endowments shall be conserved for the United Church, in order that with necessary readjustments they may continue to be used towards the support of religious ordinances under a territorial system."†

"The Church of Scotland maintains that the endowments are to be conserved for the United Church, and will go forward in the matter of union only upon the footing that the United Free Church and the Government of the day, which is to make itself responsible for the necessary legislation, accept the position that the endowments are not to be secularised. But the details of the manner in which the ancient endowments are to be dealt with under the new conditions must be entrusted to *a strong and sympathetic Parliamentary Commission.* Such matters have been recognised as appropriate to Parliament throughout the whole history of the Church since the Reformation."‡

"In the event of an Ecclesiastical Commission being appointed to prepare a scheme for the administration and application of the property and revenues of the Church of Scotland, and to make the re-adjustments rendered necessary by the new conditions created by any Union of the Church of Scotland with other Church or Churches upon the basis of the new

* Church of Scotland Report, 1919, page 17.

† Church of Scotland Report, 1911; also 1919, pages 9, 32.

‡ Memorandum, 1912, paragraph 6.

Articles of Constitution, the following, amongst other qualifying stipulations, would need to be made:—

That the endowments which have in the past been dedicated to religious purposes be retained for religious ordinances and uses;

That all life-interests of incumbents be conserved;

That the legitimate requirements of each parish (including new erections within it) to which endowments are at present attached be adequately met;

That modern endowments such as the Mount Stephen Trust do not come under review.

It is recognised that the instruction to the Commission would be to render it possible for the Church of Scotland to make the best and fullest use of its resources in the religious interests of the nation, and in the exercise of the powers and liberties set forth in the Articles of the Constitution. When this instruction had been fulfilled the Commission would take end." *

In this scheme it will be noted first of all that it is the intention of the Church of Scotland to carry all the endowments into the United Church. This was clearly announced in 1911, and the clause of that year above quoted is again given in the "Statement explanatory of the position of the Church of Scotland," as printed in Appendix III. to their 1919 Report. It still obtains. In the second place the State Endowments are to be conserved, but all Parliamentary control is to cease. The United Free Church does, indeed, recognise the principle of Parliamentary control in regard to any surplus of the "Teinds" or "Unexhausted Teinds not made over to the Church of Scotland." They do so in these terms:—

* Church of Scotland Report, 1919, Appendix, page 34.

> "'Pious uses' have from time immemorial been burdens on the Teinds, and it might be provided that any surplus of the "Teinds" or "Unexhausted Teinds" not made over to the Church of Scotland shall not be secularised or bestowed in endowments but shall be entrusted to such body representative of the general community, as Parliament shall create to expend the income thereof in grants to religious uses and purposes under rules and directions as Parliament may ordain.'" *

On what principle, it may be asked, is Parliamentary control to be given over one portion of the Teinds and denied for another. It is so denied in the clearest terms. Thus the Church of Scotland Committee, in stating the conditions laid down by the United Free Church, say:—

> "These conditions are, as has been indicated by the representatives of that Church, that when the time comes to arrange the terms of union, all the endowments of the Church of Scotland must be vested in it under a tenure which is consistent with the freedom set forth in the Draft Articles, and which recognizes *no right of the State to exercise any special control over the Church in virtue of its enjoyment of these endowments.*†

It is enough to say that this runs counter to every accepted tenet of sound government and sound finance. It is a first principle of all public governments, a golden principle in public life, that the grant of public moneys, whether to churches, to public bodies, or to individuals, must be subject to public control and to parliamentary conditions. It would ill become the Christian Church to break down that most salutary and indispensable principle of all public life.

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* United Free Church Report, 1919, pages 9-10.
† Church of Scotland Report, 1919, page 16.

But how, it may be asked, are the state endowments presently conferred upon the Church of Scotland to be made its own, as the funds and properties of the United Free Church are its own. Is it to be through the commutation and redemption of teind stipends, in accordance with an arrangement confirmed by Parliament between the Church and the heritors, whereby the teind stipends would be entirely separated from the ownership of lands? The teinds would still be public funds, compulsorily exacted by Parliament. Are they to be gifted once for all in a new form of *Regium Donum*, and held hereafter as the Church's very own? They are still a compulsory state levy, and *we are more concerned how they are raised than how they are held.* They do not cease to be state endowments. John Milton says:—

> "But that the Magistrate either out of that Church Revenue which remains yet in his hand, or *establishing any other maintenance instead of tithe*, should take into his power the stipendiary maintenance of Church Ministers, or compel it by law, can stand neither with the people's right, nor with Christian liberty, but would suspend the Church wholly upon the State, and turn the ministers into State Pensioners."*

Indeed it is not disendowment at all but only, as it is frankly put by the Church of Scotland herself, "*a Scheme for re-arranging the endowments;*" "*certain readjustments necessary to meet the new conditions.*" †

But it is proposed so to do it that there shall be no possible recall of the gift. Disestablishment is to be made for ever impossible. The Parliamentary Commission is to have clear and full power given to it to deal with the

*The Likeliest Way: Works, St. John's Edition, Vol. iii. page 28.
† Church of Scotland Report, 1919, pages 2, 11.

whole of the Funds and Properties, *so that no after questions should arise,*" and "*to complete and conclude its work* when it has assigned or provided for the future administration of the Funds and Properties aforesaid, *so that it shall not continue to control these in any way.*"* As it is put above: "When this instruction has been fulfilled, the Commission would take end." The public resources of the State are to be turned over permanently to the private possession of the Church. This is not disendowment; it is capitalised, complete, final, and irretrievable endowment. *It is not a stroke for national justice; it is a raid on national funds.*

5.—Parliamentary Grants.

We must now look at some of the other State Endowments of the Church of Scotland, and first there are the Parliamentary Grants. Acts of Parliament were passed in 1823 and 1824, setting apart £50,000 for the building of additional churches with manses in the Highlands and Islands. These are known as Parliamentary Churches, 42 in number, and they each receive a stipend of £120 from the National Exchequer. Further, by another Act, first passed in 1810, and revised in 1824, there are 206 parishes in receipt of Exchequer Grants, so as to raise the stipend to £150, or to £200 where there is neither manse nor glebe. In all, £17,040 is the Annual Endowment from the National Exchequer.† It is argued that these Public Grants only make up for bishops' rents and teinds formerly enjoyed by the Church and now retained by the Crown, but these also were National Property, and the Parliamentary Grants are given independently of any such consideration. How are these Funds, after payment of life interests, to be made the

* United Free Church Report, 1919, page 9.

† Church of Scotland Year Book, 1919, page 10.

Church's own? Are they to be compensated in large slump sums as were the Maynooth Grants and the *Regium Donum* in the case of the Irish Church, and are we still to go on arguing that Established Churches do not take one shilling of public money? Is your capitalised sum not still to be drawn from Parliamentary Funds raised by a compulsory levy on the whole population? Again we say we are *less concerned how it is held than how it is raised.*

6.—Burgh and Local Public Funds.

Then there are the Endowments from Burgh and other Local Funds, thus summarised in the Church of Scotland Year Book:—

> "Forty-six Burghal parishes receive stipends amounting in all to £16,266, and 5 parishes from other local funds; while several parishes receive supplements to stipends amounting in all to £7,235, making a total revenue from this source of £23,501."*

The Paisley Burgh Churches were created in 1733, and by 1871 the net cost to the Burgh amounted to £92,000. That year the Burgh went into bankruptcy, the immediate occasion being its inability to meet an obligation of £12,000 in connection with the River Cart. The Provost, in a speech on 3rd October, 1871, ascribed the Burgh's bankruptcy to the continuous loss on the Burgh Churches. Dr. Hutton in a speech on the Burgh Settlement Bill, on 16th January, 1872, said:—

> "The Burgh had been carrying the load of the Kirk so long that its energies were unequal to the strain of also bearing the load of the Cart—an affair of £12,000—and so, when the new burden was piled on the top of the old, the overloaded Burgh broke down. . . . The Bill surrenders the churches, the

* Year Book for 1919, page 10.

patronage, and all the property of the Burgh, and there is no Disestablishment! On the contrary there is re-establishment and perpetual annuities to the amount of £800. Now we object to all this. With nothing standing in the way but the fictitious claims of the State Church, shall we keep our Burgh in bankruptcy, when we could satisfy all reasonable creditors to-morrow? Let the public know what stops the way—the Kirk and nothing but the Kirk. And if our fathers have entailed this upon us, let us not entail it on our children. Let us rather boldly take ground and say: 'This is a yoke which neither we nor our fathers have been able to bear, and we will not come under obligation to bind it upon posterity. Rather will we undo it now from the neck of the struggling Burgh.'" *

And when the Bill was passed with its Re-endowment Clauses on 27th June 1872, Dr. Hutton had still a word in season for the friends of the Kirk:—

"Pay your own way. Do not burden your neighbours, much less coerce them to support your Church. Act on the principle explained by David to Ornan: 'I will not take that which is thine for the Lord, nor offer burnt offerings without cost.'"*

The Glasgow City Churches are maintained out of the Common Good, so essentially the property of all the citizens that it was found that the Corporation could not lend money from it without interest for a Housing Scheme because in the opinion of the Town Clerk and of Special Counsel it could not be devoted to a section of the citizens, being held on "behalf of the community as a whole." Yet the Churches of one Denomination are allowed to draw from this Public Fund. The very elements for the

* Life of Dr. Hutton, by Oliver, pages 67-70.

Sacrament in these Churches are defrayed at the public expense. These City Churches, strictly so-called, are nine in number. For the year ending 31st May, 1919, the expenditure for stipend and other expenses was £4,789 17s., while the revenue from seat rents was £1,308 7s. 6d., involving a net cost to the Common Good of £3,481 9s. 6d. How is this money to be made over to the Church so as to be "its own, as the Funds and Properties of the United Free Church are its own?" Is it to be compounded in the way proposed by the Presbytery Committee in the year 1889, under which the Tron and St. Enoch churches were to be handed over to the Town Council, and the Corporation was to contribute £81,700 to the Endowment Committee of the Church of Scotland? Would it not still be public money drawn out of the Common Good to be made the Church's "own"? Is the United Free Church to be, even by her tacit acquiescence, a party to such a final and wholesale raiding of this Public Fund in violation of every right of conscience? In their controversy with the Church, the Town Council has steadfastly refused to undertake obligations for any churches that might be planted outside the area of the City Parishes, while the Glasgow Presbytery has defended their larger policy in these words:—

> "It can hardly be seriously maintained that it is the duty of the magistrates to provide kirks and ministers for the citizens who live on one side of a street, but that it is not their duty to provide kirks for the citizens who live on the other side of the street." *

We propose a very slight emendation on this wording, so that it should read:—

> "It can hardly be seriously maintained that it is

* See "Municipal Glasgow" by Sir James Bell, pages 409-415.

the duty of the magistrates to provide Kirks and Ministers for the citizens who live on one side of the denominational fence, when it is not their duty to provide Kirks for the citizens who live on the other side of the denominational fence."

7.—Churches and Manses.

We now come to Endowment in the form of Glebes and Manses which in the Church of Scotland Year Book for 1919 are valued at £46,000, and to Ecclesiastical Assessments imposed for the building and repair of Churches and Manses. In a Parliamentary Return obtained in 1881 it was found that "the total sum levied in each parish in Scotland by way of assessment for the building and repair of Churches and Manses during the ten years ending 31st December, 1879, was £420,827 15s. 10½d." It is worth our while to turn aside and notice some of the ways in which this large sum is raised. The erection and maintenance of ecclesiastical buildings in Scotland was imposed upon the heritors of the various parishes by a Statute of 1572. It was formerly levied entirely on the heritors according to the "valued rent" as fixed by Cromwell's Commissioners; but since the time of the Peterhead Decision in the House of Lords it has been the law that the assessment must be laid on the whole parish according to the real rent, and since the date of the Valuation Act of 1854 the practice has been to assess upon the real rent wherever a new Church has to be built. Of the £420,827 levied in the ten years referred to above, £156,526 1s. 8¼d. was levied on real rent. Small feuars of all denominations are thus assessed for the Church fabrics of the Church of Scotland. Some illustrations be given of the working of this system.

In 1886 a new Manse was built in Largs at a cost of £2,000, and an assessment of 11d. per £1 was levied on all

Owners of House Property in the town so as to defray the cost. This realised £2,157 16s. 3d., but of that sum only £387 15s. 9d. was levied on members of the Established Church. Forty-six House Proprietors declined to pay the Tax, were summoned to the Sheriff Court in Kilmarnock, and decree in absence granted against them on 9th September, 1886. Among those who were thus treated as defaulters was Mr. Dewar Paton, afterwards on three occasions the honoured Provost of the town. On 17th September a Sheriff Officer issued a warrant to poind and sell his household effects. This he was prepared tacitly to accept, willing to take joyfully the spoiling of his goods for conscience sake. But this was not enough to satisfy the domineering spirit that state privilege always engenders. He was in the happy position of having not a single creditor except the Kirk, but he was the most prominent dissenter in the town, and he must lick the dust. Accordingly he was served with a Sheriff's Notice on 20th September, stating that if he did not pay before the 30th of the month proceedings would be taken to declare him a notour bankrupt which would issue in his whole business passing under Trustees and his credit being cried down in the "Edinburgh Gazette" and Glasgow Daily Papers. The following is a copy of the document:—

To Dewar Paton, Esq.,

Butcher, Largs.

Notice is hereby given that, unless the sums decerned for the 16th day of September curt., in the action at the instance at James Patrick, solicitor, Largs, as clerk and collector to the heritors of the parish of Largs, and as such specially authorised to raise the said action against you the said Dewar Paton, and amounting said sums to £10 19s. 1d. stg. of

principal and 7s. 7d. stg. of expenses, are paid before Monday the 30th day of September curt., it is his intention on that day to present a petition for cessio in terms of the "Debtors (Scotland) Act, 1880," and the "Bankrupcy and Cessio (Scotland) Act, 1881," and relative Act of Sederunt, to the Sheriff of Ayrshire, at Kilmarnock. This I do upon the 19th day of September, 1886 years, before and in the presence of Neil Orr, residenter in Largs. (Witness.)

WILLIAM MARSHALL, Sheriff-Officer.

Some six weeks thereafter the amount of the tax was arrested in the hands of one of Mr. Paton's customers; and another prominent and honoured dissenter, Mr. Thomas Clark of Flussh, had to submit to a similar indignity.

In 1887, Rev. James Rennie, Minister of St. Vincent Street United Presbyterian Church, Glasgow, and afterwards Moderator of the United Presbyterian Synod, had his furniture distrained to pay his Church Assessments on his Coast House at Preswick. But it will be said that was thirty years ago. Take Dumbarton. A large and wealthy Church imposes a tax of £1,200 for a Manse; then £1,600 for Church Repairs; and then in 1909, for Glebe and Expenses, £4,600—a total of £7,000 of public money to be devoted to the Church of a section of the community. At the Indignation Meeting held in the Burgh Hall on 11th May, 1909, it was mentioned that some working people would be called upon to pay £43 of their annual earnings, some £20, and some very poor people £5.

Or take Kirkintilloch. At a meeting on 9th February, 1911, a resolution to erect a new Parish Church was taken by Five "Valued Rent" Heritors, who, however, decided not to assess themselves, and after various proposals the assessment fell on "real rent" unconditionally, no advantage being taken in the end of the Ecclesiastical Act of

1900 which gives the Kirk Session the option of relieving from assessment those heritors whose total rents do not exceed £50. A big struggle ensued, and it was finally agreed to let off those assessed for a sum of £7,000. The total cost, excluding extras, paid by Kirk Session was £16,322, of which £2,500 was paid voluntarily by a large proprietor who would have had to shoulder a responsibility of £5,000 had the assessment been on the valued rent; another, similarly situated, gave £500, both of these gifts being on condition that all on the Roll were to be assessed. £4,000 was raised by the Kirk Session, and £1,813 by other voluntary contributions; while the sum assessed on real rent was £6,438, to which was added a further sum of £958. The total assessment was at the rate of 2/4 per £1. There were 634 heritors, of whom 380 had rentals under £50. A retired labourer, for whose maintenance a collection had been taken in his foundry, was assessed because he owned a small cottage. Paupers who had been left by the Parish Council in ownership of old houses were assessed, but after question asked in the House of Commons their assessments were paid for them to avoid further scandal. There was much indignation in the town at the whole proceeding. Public Demonstrations were held, and Public Boards passed hostile Resolutions. Some sixty refused or delayed payment. Two of them were haled before the Small Debt Court at Dumbarton on 13th August, 1912, and decree given against them. Other decrees followed, but though constantly pressed and threatened some have never yet paid. In January, 1914, the Kirkintilloch Liberal Association were sued in the Small Debt Court for refusal to pay their assessment of £16, and decree was given against them. So in this country the men whose badge is religious equality and who dare to make a stand for their principles, are summoned to a Small Debt Court and coerced to pay to an Established

Church, which, in the words of a minister of the Church of Scotland, "is not a state-paid Church, and does not cost the State one single sixpence." But how, it may be asked, is money thus raised to be made the Church's "own?" Are there again to be compensations and slump sums on the lines demanded by the General Assembly of the Church of Scotland in 1886:—

> "That the parishioners of Scotland shall not be deprived without compensation of the right to have their ecclesiastical buildings maintained from the land." *

Will our United Free Church silently acquiesce in such compounding of ecclesiastical felony? *Again we say it is not how it is held, but how it is raised.*

We have seen then that all these various State Endowments have one feature in common. They are all based on compulsion, on taxes wrung by force of law, exacted indiscriminately from churchman and dissenter, from believer and infidel. Such compulsion is essential to the system. Thus Paley:—

> "It is a bad Constitution which allows pretences of conscience to be an excuse for not sharing in a public burden."

Again:—

> "If, by dissenting from the National Religion, they could be excused from contributing to the support of the ministers of Religion, it is to be feared that many would take advantage of the option which was thus imprudently left open to them, and that this liberty might finally operate to the decay of virtue, and an irrecoverable forgetfulness of religion in the country." †

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* Church Defence Handbook, page 10.

† Paley's Moral and Political Philosophy, Book VI., Chap. x.; Works, Vol. II., page 393.

We have thus seen the meaning of the adage that "all compulsory power is persecution," and have felt the truth of Tertullian's great words:—

"It is no business of religion to force religion."*

And on this subject of compulsory endowment we cannot do better than close with three great utterances of John Milton. The first, from his "Civil Government in Ecclesiastical Causes":—

"It is not lawful for any power on earth to compel in matters of religion."

The second from his "Likeliest Way":—

"Forced consecrations out of another man's estate are no better than forced vows, hateful to God who 'loveth a cheerful giver'; but much more hateful wrung out of men's purses to maintain a disapproved ministry against their conscience; however unholy, infamous, and dishonourable to his ministers and the free gospel, maintained in such manner as by violence and extortion."

The third, from his "Defensio Secunda":—

"If, also, you take away all persecuting power from the Church—for persecuting power will never be absent so long as money, the poison of the Church, the stranger of the truth, shall be extorted by force from the unwilling as a pay for preaching the gospel—then you will have cast out of the Church those money changers, that truckle not with doves, but with the Dove itself, the Holy Ghost." †

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* Neander's Church History, I. 243.

† *Prose Works*, St. John's Edition, I. 293; II. 520; III. 30.

CHAPTER VI.

WHOSE ARE THE TEINDS?

"What shall be found heretofore given by Kings or Princes out of the Public, may justly by the Magistrate be recalled and re-appropriated to the Civil Revenue."

—JOHN MILTON, *The Likeliest Way.**

I.—The Tenure of Land.

THE theory of many Church defenders is that lands and teinds were conveyed by individual proprietors to the Church as gifts to be held in absolute, indisputable, and perpetual tenure; that "tithe was a charge on land in perpetuity given voluntarily by the landowners of the country at some far distant period, and binding all successors." Now we challenge at the very outset the possibility of any such perpetual assignment. The right of the whole nation to the ownership of the land is fundamental and inalienable, and no man whatsoever has any title either to claim for himself or transmit to posterity any absolute inheritance in it. Such absolute possession of land is contrary to Scripture, to sound economy, and to common law. "The law abhors perpetuities." We will not call as our witness any modern advocates of state nationalisation; we will submit three authorities of established and commanding repute. The first is Dr. Taylor Innes, who, referring to the ancient and enormous gifts of land to the Roman Church and Knox's attitude thereto at the Reformation, says:—

> "And in the minds of the common people, and of Knox as one sprung from them, there was lying, unexpressed, the feeling which in modern times has been expressed so loudly, that the claim of the individual, whether Superior or Sovereign, to alienate for unworthy uses huge tracts of territory which carry along with them the lives and labours of masses

* Prose Works, St. John's Edition, Vol. iii., page 28.

of men—and of men who have never consented to it—is a claim doubtful in its origin and pernicious in its results. All over Protestant Europe the conclusion even of the wise and just was, that, subject to proper qualifications, the ancient endowments of the Church were now the treasury of the people." *

The second is Samuel Taylor Coleridge:—

"In principle, such bequests and donations were vicious *ab initio*, implying in the donor an absolute property in land, unknown to the constitution of the realm, and in defeasance of that immutable reason, which, in the name of the nation and the national majesty, proclaims:—'This land is not yours; it was vested in your lineage in trust for the nation.'" †

But my chief and greatest authority is Bishop Butler himself. A lady had inherited some lands formerly in the hands of the Church, and she had evidently written to Butler expressing her scruples at retaining in lay possession what had been formerly dedicated to the Church. It became for her "a case of conscience." It must have felt like "secularising the Teinds." Butler was able at once to relieve her scruples, and to give a far-reaching pronouncement. He wrote:—

"No one can have a right of perpetuity in any lands, except it be given by God, as the land of Canaan was to Abraham. There is no other means by which such a kind of property or right can be acquired; and plain absurdities would follow from the supposition of it. The persons, then, who gave these lands to the Church had themselves no right of perpetuity in them; consequently, could convey no such right to the Church. And all scruples concerning the lawfulness of laymen's possessing these lands go upon supposition that the Church has such a right of perpetuity in them; and therefore all those scruples must be groundless, as going upon a false suppostion. . . . I have considered tithes and Church Lands as the same, because I see no sort of

* John Knox, page 105.

† Coleridge's Constitution of the Church and State, page 61.

proof, that tithes, under the Gospel, are of Divine right; and, if they are not, they must come under the same consideration with lands." *

2.—The Hand of the State.

But Church defenders rest their case not only on private donation, but also on early state action. Thus C. N. Johnston (Lord Sands):—

> "In early times a great part of the land of Scotland was in the hands of the Crown. When the Crown gave grants of lands, it made them subject to the tithes, and accordingly the estate of the Christian Church in tithes is in such cases older than the estate of private proprietors in the land." †

But if the State out of Crown Lands could assign the tithes to the Church, it can equally now assign them to such purposes as it thinks fit.

The very nature of the tithes themselves declare them a national possession. Civil government gave them the universality and perpetuity of a tax. They are a tax on land and its produce, and like all such taxes are passed on, in part at least, to the consumer, and lay their burden on the whole people. Every tiller of the ground, every consumer of the fruits of the earth, pays the toll. We are all children of the soil. We all pay teind. So John Ramsay M'Culloch, the political economist:—

> "Tithes are a burden which falls equally on every individual in the kingdom, on the poorest beggar as well as the richest lord, in proportion to their respective consumption of the articles from which a tithe is levied." ‡

The action of the State at the Reformation proclaimed and confirmed the national ownership. No theory of private and pious gifts will carry you over the Reformation period. If they were pious gifts they belonged to the mediæval Roman Church, and the Reformed

* Butler's Works, edited by Gladstone, Vol. ii., pages 438-9. Letter to a Lady on the Possession of Abbey Lands.

† Handbook of Scottish Church Defence, page 189.

‡ Encyc. Edin., Art. Taxation.

Church was guilty of mal-appropriation. It is maintained indeed, especially by English Church defenders, that there was no real breach of continuity at the Reformation; but to Knox, at least, the Roman Church was the Church of Antichrist—"others sned the branches of the Papistry, but he striketh at the root also, to destroy the whole." Knox could hardly serve himself heir to the private property of the church he so described, he could scarcely claim the private property of Antichrist; and while on broad grounds he put in a claim to the teinds, he had no standing save on the ground of public ownership. It has indeed been argued * that, when Knox declared: "The teinds, by God's law, do not appertain of necessity to the Kirkmen," he was referring only to the Roman Catholic Kirkmen, and was, in effect, claiming the teinds for the ministry of the Reformed Church. To that, two replies may be given: *first*, that the words were spoken in his first sermon in 1547 before the Reformed Church had taken shape; and *second*, from the viewpoint of the theory of gift, if the teinds did not appertain of necessity to the Roman Kirkmen, we can say with a great *à fortiori*, still less could they belong to the Protestant Kirkmen. As a matter of fact the question was not left in any doubt at the Reformation. Thus in the Third Report of the Commissioners of Religious Instruction, as laid before Parliament in 1837, it is said:—

> "After the Reformation, the teinds did not become the property of the Church even to the extent which had prevailed immediately before it; and the Reformed Clergy have never enjoyed any inherent right to the whole teinds of their parishes, nor indeed to any allowance out of them, excepting to the extent authorised in each particular case by the civil power of the State."

The national ownership is implied in the very terms of subsequent legislation, particularly in the Acts of 1617 and 1633. The parish minister is granted by Statute only a life-rent of the manse and a stipend out of the teinds of his parish. The clergy of the Church are not

* The Teinds, by J. H. Stevenson, page 24.

given any direct right to the teinds; they are only assigned an annual payment out of the teinds; and the administration is retained in the hands of a Civil Court of the Realm.

3.—The Pronouncements of High Authorities.

The reader is probably long ago wearied of this dissertation on tithes, with the mass of evidence advanced to prove what is so evident. But I cannot forbear still further supporting the case by some authorities of the highest eminence.

a. *Economists.*

Of Economists it is sufficient to quote the highest authority of all, Adam Smith:—

> "The Revenue of every Established Church, such parts of it excepted as may arise from particular lands or manors, is a branch, it ought to be observed, of the general revenue of the state, which is thus diverted to a purpose which is very different from the defence of the state. The tithe, for example, is *a real land-tax*, which puts it out of the power of proprietors of land to contribute so largely towards the defence of the state as they otherwise might be able to do."*

b. *Historians.*

Of *historians*, we may quote Dean Milman, who, referring to the institution of the Tithe System under Charlemagne says:—

> "This tithe was *by no means a spontaneous votive offering* of the whole Christian people—it was *a tax* imposed by imperial authority, enforced by imperial power."*

c. *Statesmen.*

Edmund Burke on a historic occasion spoke of the Tithes as a *tax of two shillings in the pound, raised on the people,* to be applied to those who professed certain doctrines and followed a certain mode of worship, the Legislature binding the minority not to assent to the doctrines, but to

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* Wealth of Nations, Book I., Chapter I., Part iii., Article 3.

* History of Latin Christianity, Volume II., pages 292-3.

payment of the tax; and in refusing to give relief from subscription to the Thirty-Nine Articles, he said:—

> "The hardship amounts to this, that the people of England are not *taxed two shillings in the pound* to pay them for teaching, as divine truths, their own particular fancies. *For the State has so taxed the people;* and by way of relieving these gentlemen it would be a cruel hardship on the people to be compelled to pay, from the sweat of their brow, *the most heavy of all taxes* to men to condemn as heretical the doctrines which they repute to be orthodox, and to reprobate as superstitious the practices which they use as pious and holy."*

Lord Brougham said of the State Clergy:—

> "They might be stipendiaries, or they might be paid by salaries, instead of tithes and land, as they were in most of the countries of Europe. But it had suited the policy of this country to pay them by tithes. This did not make them different from other public officers, or other public servants. . . . As well might the pay of the army, as the property of the Church, be called inviolable and private property."†

Lord Melbourne declared:—

> "The tithes and landed property in the hands of clergymen did not belong to them, but were *a portion of the national property.*" ‡

Lord Palmerston declared:—

> "Undoubtedly the property of the Church belongs to the State, and the State, represented by its proper organ, the Legislature, has the power and the right to deal with that property as the circumstances of the time may require." **

The Right Honourable W. H. Smith, Conservative Leader in the House of Commons, said in 1890:—

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* Hansard's Parliamentary History, xvii., pages 280, 281; Speech of 6th February, 1772.

† 2 Hansard, xiii., page 1163; speech of 14th June 1825.

‡ Speech on the Ecclesiastical Commission, 1837.

** 3 Hansard cxlii, pages 767-768; Speech of 27th May, 1856.

"While *I regard tithe as national property*, I do not regard it as fit that the owner or occupier of the land should appropriate it to himself."*

The opinion of Mr. Gladstone seemed for some time in doubt. In 1885 he declared "the clergy of the Church of England are not state-paid," and in 1892 he wrote: "the Church of England receives no assistance from public funds." But, in a letter to Mr. Carvell Williams, M.P., he explained that he had simply meant that the Church of England does not, like the Church of Scotland, receive Parliamentary grants from the Exchequer. His words were:—

"I have declared again and again that the funds of the Church, understanding the words as they were generally understood by the Irish Church Act, are *national property*. And this remains true, although it be also true that the Established Church in England does not, like that in Scotland, draw anything as an Establishment from what I may call Parliamentary sources." †

d. *Lawyers.*

Selden, the chief authority on this subject, wrote his "History of Tithes," published in 1618, to show that tithes were not due by Divine right, but only by custom and law, and the nett result of his elaborate investigations is that tithes are due solely because the law has imposed them. His work alarmed the Clergy and offended the Kirk, and he was obliged to tender apology to the Court of High Commission for having published it. He was careful, however, not to withdraw a word of it:—

"My good lords, I most humbly acknowledge the error I have committed in publishing the *History of Tithes* . . . with the unfeigned protestation of my grief for that through it I have so incurred His Majesty's and Your Lordships' displeasure conceived against me on behalf of the Church of England." ‡

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* 3 Hansard cccxli., page 155; Speech of 12th February, 1890.

† Letter, 25th January, 1893.

‡ Bennett's How are the Clergy Paid, page 14.

And at a later time Selden himself, in reply to animadversion on his book and his so-called submission, proudly asked :—"Is there a syllable of less truth in it because I was sorry for the publishing of it?"

Erskine in his "Institutes" says :—

> "There can be no doubt of the sentiments of the Scottish Legislature on this point since the Reformation; for our Sovereigns, in place of transferring the Tithes from the Popish to the Protestant Clergy, have assumed the power of bestowing grants of the greatest part of them to laymen, with the burden of reasonable stipends to the Clergy; which grants have been, either expressly, or by consequence, ratified in Parliament." *

Sir John Campbell (afterwards Lord Chancellor) speaking in the House of Commons on the Irish Church Bill of 1835, said :—

> "But it was said that Church property was for ever inalienable,—whatever its amount might be, and however few there might be who belonged to the Established religion, the property which was once given should forever remain in the possession of the Church. For this doctrine there was no warrant—nothing in the Scriptures, nothing in the law of the land. It was a remnant of Paganism. It was the Pagan doctrine that that which was once appropriated for religious purposes never should be diverted to any secular use. . . . . He held an opinion, which he had formed after great deliberation, that the property of the Church ought not to be touched while it could be beneficially employed for the Church; but it was the property of the State, the State conferred it, and the State might take it away when it could be of no further use to the Church. . . . . Tithes were not a voluntary donation of the faithful; they were imposed by the Legislature, and though they had now become property, to be separately held like the unredeemed land-tax when given to a stranger, from the land, in their origin they were a property-tax."†

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* An Institute of the Law of Scotland, Book II., Tit. x., Section 9.

† 3 Hansard xxvii., pages 658-660; Speech, 2nd April, 1835.

Lord Young said in a celebrated case (Burt *v.* Home):—

> "It is, I think, not doubtful that teinds were originally, and are still, in their essential character, a tax, which is called teind, precisely because the word expresses, or originally expressed, the measure of the exaction. . . . . *When the Romish Church was disestablished in Scotland it may be regretted, I think it is greatly to be regretted, that this tax, which had been instituted and existed only for its support, was not abolished, at least in so far as the Church's right to levy it had not been previously alienated for onerous consideration. It is a matter of history that the Reformed Clergy tried hard, but without success, to have the right of exaction transferred to themselves.*" *

Sir John Duke Coleridge, Solicitor-General, and afterwards Lord Chief Justice, said:—

> "The property is given and taken subject to State-Control, on State terms, upon conditions laid down from time to time by the State, and liable to be altered by the power which has laid them down. . . . . It is mere nonsense to dispute this; and those who do are ignorant of the great principles of politics, and forget the objects for which States exist. . . . . If men dispute or deny it, and talk—not in rhetoric, but in what they call argument—of the sacredness of Church Property, and of the sacrilege of State interference with the conditions on which it is held, I do not understand the construction of such minds, and I do not address such men." †

Mr. Thomas Shaw, now Lord Shaw of Dunfermline, declares:—

> "The Churchman, therefore, who talks wildly of spoliation, points to the former Church, and dilates upon his right of succession to its property, can be met only with a fact, and the fact is, that every temporal right he has dates from after the Reformation, and was created by the State. . . . . To show how completely the present tax upon landed property

* Rettie's Reports, Vol. V., pages 473-474; January 12, 1878.

† Macmillan's Magazine, March, 1870, page 370.

for the payment of ministers' stipend is dissevered from the old right to draw the tenths of the fruits of the soil, it need only be mentioned that for over half-a-century after the Reformation teinds were levied and enjoyed by the Crown, the nobles, and others to whom the right had been transferred, and that without any reference whatever to the salaries of the Protestant clergy. From the year 1560, or at least from seven years thereafter, to the year 1617, the ministers were ordained by Act of Parliament to be paid not from the teinds, as a specially taxable fund, but out of a third of the whole benefices of the old Church. The year 1560 begins the series of Acts of Parliament which constitute the present Clergy a body of men *paid at the option of the State, out of Funds which it chooses to allocate for the purpose.*" *

e. *Our own Documents.*

Lastly, I appeal to what are for United Free Churchmen yet more authoritative documents. The Disruption Fathers knew nothing of this doctrine of private property in the teinds. They called them "public benefits," "secular benefits secured by the State," and so forth. And the Claim of Right, though it has the shadow of Establishment over it, is clear enough on this:—

> "And whereas this Church, highly valuing as she has ever done her connection, on the terms contained in the Statutes herein before recited, with the State, and her possession of the *temporal benefits thereby secured to her* for the advantage of the people . . . . at the risk and hazard of suffering the loss of *the secular benefits conferred by the State*, and the public advantage of an Establishment, they must, as by God's grace they will, refuse so to do." †

Still more significant is the Act of Separation and Deed of Demission by ministers, signed on 23rd May, 1843, in which in one day they signed away teinds of the

* The Ecclesiastical Endowments of Scotland by Thomas Shaw., Esq., M.A.. LL.B., pages, 14-16.

† Authorised Standards of the Free Church, pages 351, 352.

annual value of more than £100,000, and presented the sublime spectacle of a Church disestablishing and disendowing itself. They stipulated, however, that their act of demission should

> "noways be held as a renunciation on the part of such of the ministers foresaid as are ministers of churches built by private contribution, and not provided or endowed by the State."

They claimed these as private Church property, but they put the teinds in an entirely different category. This is how they describe them :—

> "The ministers and elders subscribing did and hereby do separate from, and abandon the present subsisting Ecclesiastical Establishment in Scotland, and did, and hereby do, abdicate and renounce the status and privileges derived to them, or any of them, as parochial ministers or elders, *from the said Establishment, through its connection with the State, and all rights to emoluments pertaining to them, or any of them, by virtue thereof.*" *

But if the teinds are the national property of the people we must see that they are applied to national purposes applicable to the whole people. Both of the conferring Churches express the difficulty and improbability of reaching agreement by themselves on the subject of the Endowments.† And no wonder. The Church of Scotland stood for these endowments being continued to the Church; the United Free Church, through a long series of Resolutions, stood for their being applied to other purposes "connected with the welfare of the whole community." The one said "endow," the other "disendow." But ecclesiastical statesmanship was not baffled by the antinomy. The Church of Scotland insisted that they should not be secularised. The United Free Church made answer that "Pious Uses" have from time immemorial been burdens on the teinds, and they suggested that the

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* Authorised Standards of the Free Church, pages 359-360.

† Church of Scotland Report, 1919, page 34; United Free Church Report, 1919, page 8.

remainder of the teinds should go in "grants to religious uses and purposes under rules and directions as Parliament may ordain." But pious uses in inverted commas include the poor, education, hospitals, and the like. And what we for our part insist on is that none of the endowment shall go to ecclesiastical uses. The taunt of secularising has no terrors for us. It is an old taunt. It was raised against those who disestablished the Irish Church, and Bishop Thirlwall made answer to it in his brave speech in the House of Lords on 15th June, 1869:—

> "The cry of 'sacrilege' was raised against St. Ambrose. And on what ground was this cry raised? Why, because St. Ambrose had sold the sacred vessels of the Church of Milan in order to apply the proceeds to the profane purpose of ransoming prisoners who had fallen into the hands of the Goths. My Lords, in my opinion that was not the least meritorious or the least holy act of that holy man's life."*

So we say, Apply it to the poor, apply it to hospitals. Call that "pious" or secular, as you will; the great thing is, it is just. We are not out to rob Churches, we are out to enrich them—truly to establish and endow them, to establish them in the hearts of the people, to endow them with their free-will offerings. We are out to prevent a policy which if pursued will most certainly dry up the fountains of Christian liberality, impoverish the Church, impair and largely destroy voluntary giving, wither and paralyse our powers of self-support. We are well content with the old Deliverances about objects connected "with the welfare of the whole community." It is forty years since such Resolutions began to be passed in the Free Assembly not to speak of the United Presbyterian Synod—the whole Church "secularising" for forty years! Enough for us the language of Dr. Rainy:—

> "These funds must be expended on objects common to the whole people; and especially to the common people."

And we endorse anew his declaration of 1888:—

> "If there was one thing that he deprecated, it was that they should seek to secure a reconstructed

* Bishop Thirlwall's Literary Remains, page 239.

Church under the influence of seeking to secure certain sums of money. He denounced any project of that kind. He repudiated it. . . . To do this for the sake of securing a certain sum of money in the year, which their yearly experience showed them was of no vital importance in connection with the work of Churches in Scotland, it seemed to him *a melancholy proposal*. †

† Assembly Proceedings, 1880. pages 127, 153; 1888, page 87.

CHAPTER VII.

THE UNITED PRESBYTERIAN TESTIMONY.

"And such as our forefathers were,
May we their children be!
And in our hearts their spirit live
That baffled tyranny."

1.—The Secession.

On 10th October, 1732, Ebenezer Erskine preached his epoch-making Synod Sermon at Perth, taking for his text:—"The stone which the builders rejected, the same is made the head-stone of the corner." He declared that Christ's authority had been invaded by the restoring of patronage, that by this act the corner-stone was receded from, Christ rejected in His poor members, and the rich of this world put in their room. This sermon issued in various Church processes against the preacher and his three adhering brethren, and eventually in November, 1733, the Assembly, through its Commission, inflicted upon them the higher censure and declared them to be "no longer ministers of this Church;" while they on their part in a dignified Protest declared themselves obliged to make a Secession. A month later, the Four Brethren, accompanied for the occasion by two others who were soon to throw in their lot with them, are seen kneeling in a two days' vigil on the earthen floor of the lonely thatched shieling at Gairney Bridge, then constituting themselves a Presbytery "in the name, and by the authority, of the Lord Jesus Christ, the only King and Head of His Church," thus laying the foundations of a Church that, with ever extending power, was to maintain through a dark century in Scotland an unbroken witness to evangelical truth and to spiritual freedom.

2.—Burgher and Anti-burgher.

For good or ill, the little company of the Secession Church was soon to be rent in twain. The division came in 1747 over a new clause in the Burgess Oath taken in

certain burghs as the only passport to citizenship, to the trade guilds, and to the carrying on of business in the burgh. The obnoxious clause ran :—

> "Here I protest before God, and your Lordships, that I profess, and allow with my heart, the true religion presently professed within this realm, and authorised by the laws thereof: I shall abide thereat, and defend the same to my life's end: renouncing the Roman religion called papistry."

The Burghers took the clause as referring to the Protestant religion generally, the Anti-burghers to the Established Church as embodying "the true religion presently professed within this realm." Consequently the Burghers affirmed and the Anti-burghers denied that the Seceders could consistently take that oath. The controversy was keen, the "breach" wide, but the real fault lay at the doors of the system of Civil Establishment that sought to penalise Dissenters and Roman Catholics for adherence to their principles. There were bitter estrangements, the Anti-burghers proceeded to excommunicate the Erskines—a heinous and horrible wrong, but surely not worse than the casting out of these same men in 1733, followed in 1740 by their solemn deposition at the hands of the Establishment "from the office of the holy ministry and from the exercise of its functions for all time coming." Neither Burgher nor Anti-burgher saw as yet that there should be no religious test whatsoever for any civil office or privilege, but the sharp discussions of that time brought clearer views of the relations of Church and State, and hastened on the day of the larger freedom. Say, if you like, that they were harsh and stern and sour; they helped to bring us the freedom we proudly prize :—

> "We reap in ease what they did sow in toil,
> And rate them harsh, and stern, and sour the while."

3.—The Relief.

In 1752 took place another event of far-reaching importance in the religious history of Scotland. In the Presbytery of Dunfermline, six ministers, pleading conscientious scruples, refused to take part in the obnoxious task of ordaining a presentee of the patron who

was unacceptable to the Congregation. They were haled before the General Assembly, where they made representation that they had "acted as honest men, willing to forego any secular advantage for conscience sake." Fearing another Secession, the Assembly cautiously resolved that "one of the said six ministers shall be deposed." The following day the Assembly had no difficulty in pouncing upon their victim, Thomas Gillespie, minister of Carnock, "the man with the strait-laced conscience," who had made the stoutest and most pungent defence of the six. In the language of the Lord High Commissioner of that year they proceeded "to stamp out this spirit" of rebellion. And, therefore, the General Assembly after "prayer for light and direction" "did and hereby do, in the name of the Lord Jesus Christ, the sole King and Head of the Church, and by virtue of the power and authority committed by Him to them, depose Mr. Thomas Gillespie, minister at Carnock, from the office of the holy ministry, prohibiting and discharging him to exercise the same, or any part thereof, within the Church in all time coming." Well did two impartial historians concur in saying: "All the blasphemies in the Army and Navy for twenty years past have not equalled in profanity that one act of the General Assembly, composed of the ministers and elders of the Church of Scotland." Gillespie rode home in proud sorrow to Carnock. His wife met him at the manse door, and cast an enquiring look at him as he stood with his horse's bridle in his hand. "I am no longer minister of Carnock," he said. "Weel, Thomas," she replied, "if we *maun* beg, I'll carry the meal-poke." * So took place what was, in its solitary grandeur, the most splendid, the most striking of all the Secessions. The event thrilled Christian men in all parts of the world. George Whitefield wrote:—

> "I wish Mr. Gillespie joy. The Pope has turned Presbyterian. How blind is Satan! What does he get by casting out Christ's servants? I expect great good will come out of these confusions. Mr. Gillespie will do more good in one week now than before in a year." †

* See Pollock's "Stranger than Fiction," pages 37-40.
† History of the Relief Church, by Struthers, page 98.

Gillespie now proceeded to found a Church by far the most Catholic ever seen in Scotland. At his first Communion after deposition he said :—

> "I hold communion with all who visibly hold the Head, and with such only."

He threw the Communion Table open to all who loved the Lord Jesus Christ, and when he saw some one shrinking from coming forward because of a sense of unfitness, he would say :—

> "Is there any person here that is waiting for a frame. Satan has cast a chain about his neck, let him come forward and break it." *

Nine years after his deposition, in 1761, with Boston and Colier, and their three respective Elders, he formed his little Presbytery

> "for the Relief of Christians oppressed in their Christian privileges."

4.– Old Lights and New Lights.

Neither Gillespie nor the Seceders came out to renounce the Establishment principle. They could all have said with Chalmers : "We are not Voluntaries ; we have quitted a vitiated Establishment, but would rejoice to return to a pure one." To the end Gillespie was mindful of that country whence he came out, and he sometimes cast a longing, lingering look behind. The Seceders on their part had made their position abundantly clear in their Testimony, issued within three months of their coming out of the Church, wherein they declare again and again that the Secession is made not from the Church of Scotland, but from the prevailing party in the Established Church.*

So again, Ebenezer Erskine, in declining the proffered Moderatorship of the Stirling Presbytery in 1735, wrote :—

> "Whenever it shall appear to me that the Established Judicatories are heartily adopting the cause of Christ, purging and planting His house according to His will and the solemn Covenant lying

* Struthers' History of the Relief Church, pages 123, 125.

* The Erskines, by MacEwen, page 82.

upon the land, and giving justice to His oppressed members throughout Scotland, I hope not only to return to Communion, but to enter the gates of our Zion with praise." *

But the leaven of freedom soon began to do its work. As early as 1743 the Associate Presbytery, in answer to Reasons of Dissent and Secession by Rev. Thomas Nairn, declared :—

"Now, if true religion became a part of the civil constitution, it inevitably follows that the Church became a part of the State, which doctrine, as it is absurd in itself, so it lays a plain foundation for Erastianism, overturning the distinction between the Kingdom of our Lord Jesus Christ and the Kingdoms of this world." †

And eventually a great advance was taken in each of the Dissenting Churches.

In 1797, the Burgher Synod adopted the following Preamble to the Formula :—

"That whereas some parts of the standard-books of this Synod have been interpreted as favouring compulsory measures in religion, the Synod hereby declares that they do not require an approbation of any such principle from any candidate for licence or ordination."

The result was the Secession in 1799 of a minority who take the name of the "Associate Presbytery" or "Original Burghers," and were popularly known as the "Old Light Burghers." They maintained that by adopting the Preamble, the Burgher Synod had abandoned the principle that the magistrate ought to have power in matters of religion. They continued a separate body until 1839, when they, or most of them, were received into the Church of Scotland, only to leave it again at the Disruption in 1843.

As for the Anti-burghers, as early as 1790 the Provincial Associate Synod of Glasgow adopted and published an Overture calling for the "knocking off of the

* The Erskines, by MacEwen, pages 85-6.

† M'Kerrow's History of Secession, page 187.

old rusty hoop of the Civil Establishment," and in 1796 the Anti-burgher Synod unanimously adopted a Declaratory Act, in which these words occur:—

> "They approve of no other means of bringing men into the Church or retaining them in it than such as are spiritual, and were used by the Apostles and other ministers of the Word in the first ages of the Christian Church; persuasion, not force; the power of the Gospel, not the sword of the civil magistrate."

In 1804 they emitted a Narrative and Testimony in which they said:—

> "The power of the Church is wholly spiritual, and is exercised by her Office-bearers in the whole extent solely with respect to the spiritual interests of men. But the power competent to worldly kingdoms is wholly temporal, respecting only the temporal interests of society."

So the New Light spread; but, as a result of this Testimony, four ministers, including the famous Thomas M'Crie, formed themselves on 26th August, 1806, into the Constitutional Associate Presbytery, giving as one of their reasons of separation from the Anti-burgher Synod, that in their New Testimony of 1804:—

> "The duty and warrantableness of civil rulers employing their authority in an active support of the interests of religion and the Kingdom of Christ, and in promoting reformation, had been denied and set aside."

They were known as the Old Light Anti-burghers, and they continued a separate existence till 1852, when they united with the Free Church.

A similar process took place in the Relief Church, and in 1823 their Formula for Ordination was altered to read:—

> "Do you own, and will you adhere to the doctrine of the Westminster Confession of Faith, as founded on, and consistent with, the Word of God, except in so far as said Confession recognises the power of the Civil Magistrate to interfere in religious concerns?"*

* On these Movements and Divisions, see "M'Crie's Church Scotland, Her Divisions and Her Re-Unions," pages 50-100; also "The Jubilee of the United Presbyterian Church," pages 3-22.

In 1820 took place the union of Burgher and Anti-burgher, and in the basis of Union they disapproved of anything in their standards

> "Which teaches, or may be thought to teach, compulsory or persecuting and intolerant principles in matters of religion."

5.—The Voluntary Controversy.

In 1829 the Cause took a great bound forward. In that year, the Rev. Andrew Marshall, D.D., minister of the United Associate Church at Kirkintilloch, preached in Greyfriars' Church, Glasgow, a sermon in connection with the "Glasgow Association for propagating the Gospel in connection with the United Secession Church." His text was Psalm lxxiv. 20: "Have respect unto the Covenant, for the dark places of the earth are full of the habitations of cruelty." In his text, and in the object of the meeting, he soon found standing ground for the delivery of a sermon that was to move the world and shape the policy of after ages. He threw out his challenge:—"Shall we repair to our unenlightened brethren with the imposing apparatus of a religious Establishment?" and he proceeded to deliver his great philippic against the Establishment system. There was no mention of any such thing, he declared, in the New Testament, "no hint of its being useful or desirable was ever thrown out by our Lord and His Apostles." It spread a sectarian spirit,

> "breaking at the very outset the bond of peace, and scattering through the land the seeds of discord—seeds which of all others require the smallest culture."

It was at variance with justice, impolitic because exclusive, selecting its favourites and passing by all the rest. It claimed to be a bulwark of Protestantism, but as between Protestantism and Popery he asked only a fair field and no favour. It tended to secularise the Church, and give it the spirit of a political institution. It set aside altogether the positive ordinance of the Saviour for the support of the Church's Institutions. It was found to be inefficient. It had been proved to be

unnecessary. Our eyes would not see Jerusalem a quiet habitation, nor would the Lord extend peace to Zion as a river

> "till every mark of ascendency on the one hand, and of degradation on the other, is effectually obliterated—and till brother meets brother, and sect meets sect, on the equal footing of fellow-Christians, and fellow-men." *

The sermon produced an extraordinary effect. Voluntaryism became the vogue of the day. Voluntary Church Societies sprang up in all directions. The passing of the Reform Bill of 1832 gave a great impetus to the movement. The Edinburgh Association was formed on 13th September, 1832; the Glasgow Society on 12th November, 1832; the Perthshire Association on 12th June, 1833. The Constitution of the Edinburgh Association may be taken as exemplary of them all. It ran:—

> "That a compulsory support of religious institutions is inconsistent with the nature of religion, the spirit of the Gospel, the express appointments of Jesus Christ, and the civil rights of men: that in every case where the individual disapproves of the system supported, or of the principle of its support, it is an unwarrantable attack on the right of property, and a direct invasion of the rights of conscience: that it keeps in a state of unnatural separation those who ought to be united—and in a state of unnatural union those who ought to be separate: that its tendency, as exhibited in its effects, is to secularise religion, promote hypocrisy, perpetuate error, produce infidelity, destroy the unity and purity of the Church and disturb the peace and order of civil society: that, by its direct and indirect influence, it is among the principal causes of the low state of Christianity in those countries where it is professed, and of the slowness of its progress throughout the world: and that, while thus unreasonable, impolitic, unjust, and mischievous, it has not even the plea of necessity — Christianity having within itself in the

* Memoir of Dr. Andrew Marshall, pages 131-152; see also Voluntary Pamphlets.

native influence of its doctrines on the minds of those who believe them, everything which is requisite for its efficient support and indefinite extension." *

A Voluntary Church Magazine was instituted in connection with the Glasgow Society. Voluntary principles were discussed all over the land, sometimes in a set debate in public. The salutary doctrine found wide acceptance even in Westminster. On 16th April, 1833, Mr. George Faithful, M.P. for Brighton, brought forward his motion for the Disestablishment and Disendowment of the Church of England. The pages of Hansard at this period are full of references to the Voluntary principle, and of debates on Church Rates and Endowments; and it was at this time that the Voluntaries won their first great Parliamentary triumph.

6.—The Church Extension Scheme.

In 1834, under the great Church Extension Scheme inaugurated by Chalmers, a movement took shape to secure enlarged endowments from the State. The proposal was, on the one hand, to raise a Fund by voluntary subscription to build Churches, and, on the other, to solicit the Government to grant State Endowments to the ministers of these new charges. It was thought these new endowments might come from the Bishop's Teinds that had been absorbed in the Consolidated Fund, from the Unexhausted Teinds, or from some direct Parliamentary Grant. Statistics were published showing on behalf of the Church's case the lack of church accommodation for the population, especially in city areas; but these statistics left all dissenting churches entirely out of the reckoning precisely as if they had no existence. For the Church the Parliamentary prospect was of the brightest. The Assembly's Sub-Committee on Church Accommodation reported in 1835 that the replies by which they had been honoured from the "Parliamentary men" were "without exception highly favourable"; and they only asked the pouring into Parliament of Petitions, numerous and

* Voluntary Pamphlets; M'Kerrow's History of the Secession Church, pages 730-731.

numerously signed, from all parts of the country, so as to express "the widespread attachment which prevails for the Establishment among all classes of Society in Scotland." But they had reckoned without their host. The Dissenting Churches, seeing that unfair advantage was to be taken, and that the Scheme was designed to put their very existence in peril, hastened to take up the challenge and rose in a body to resist the extension of the Endowment system. A Scottish Central Board was formed at Edinburgh on the 17th December, 1834, "for extending the principle of Voluntary Churches, and vindicating the rights of Dissenters." Great Public Meetings were held over the length and breadth of the land. Deputations were sent again and again to Westminster. Influential Meetings were held in London itself. Statistics were prepared to show that if the 800 Dissenters' Churches were included there was little lack of Church accommodation anywhere. Petitions were sent to Parliament more "numerously signed" than those in favour of the Church. From the Petition sent to Parliament in 1835 by the Congregation of Broughton Place, Edinburgh. we give these Extracts expressive of two out of their seven reasons of disapproval:—

> "(4) Because the members of the Established Church, being confessedly the most wealthy portion of the community, are able—and being according to their own account the most religious portion of the community must surely be willing—to provide church accommodation for themselves and for such as choose to worship along with them.
>
> (7) Because in fine, it is in the highest degree iniquitous and cruel, not merely to impose on the dissenters an additional fine for holding their conscientious opinions, but to extort that fine from them for the express purpose of being employed in the establishment of a system which, should the sanguine expectations of its authors be realized, will render the property they have laid out on their places of public worship valueless, and destroy a cause which they regard as the cause of truth and of God.

> May it therefore please your honourable house to withhold additional endowments from the Church of Scotland, and thus avert the imposition of a tax insulting as well as injurious to dissenters, and hazardous to the peace and comfort of both religious and civil society in this country." *

Foremost among the protagonists of Voluntaryism at this time was the Rev. David King, LL.D., minister of Greyfriars Church, Glasgow, who, in a series of brilliant speeches and in polished and eloquent periods, went up and down the country assailing the proposals and expounding the pure and lofty principles of the Voluntary Faith. Four extracts are given here:—

> "We may be omitted in the statistics. There is no danger that we shall be omitted in the taxation. Churches unacknowledged by the State are held as no churches. For them, equally as for heathen men and publicans, new instruction must be provided. It matters not that their doctrines are evangelical, their deportment exemplary, their discipline effective, these are not a State Establishment, and therefore they belong to the unwrought quarry of heathenism, from which they must be excavated."

> "The Magistrate can be needed only to extort supplies from the reluctant. To need the ruler, then, is to need the infidel and sensualist whom he compels. To such classes Churchmen come, through governors, and say, we must have your help or we are undone. We should like you no doubt to believe our doctrines, and if you can make up your mind to that, well and good. But if you hesitate about adopting, there must at all events be no hesitation about supporting them; for if you withdraw your support they will sink, and there will shortly be no such doctrines in the land to be believed. . . . . O! what religion is it that is brought so low? Is it—can it be the religion of Jesus?—of Him Who died the more signally to conquer death, and descended into the grave to show how easily he could spoil it for ever?"

* The Law of Christ Respecting Civil Obedience, by John Brown, D.D., pages 330-332.

"But why has not dissent done more? If the question is further pressed, I further answer, You will not let us do. 'The dissenters,' says Dr. Chalmers, 'were free to expatiate over the length and breadth of the land.' No, they were not free to do any such thing. By the great of this world, and especially by all holding church patronage and livings, they have been a suspected, detested, and resisted body. From their origin, the offence of the Cross has attached to them, and in a hundred instances they have proposed to supply the Gospel where the purpose has been opposed and discomfited. Sites for building churches must not be sold to us, servants must not attend with us, he is a marked man who bids us God-speed, and, always making allowances for many honourable exceptions, especially in the large towns, the cause of dissenting churches is subjected generally at this hour to a species of siege. Every power of seduction, or intimidation, is at work to circumscribe and enfeeble it; and a heart not over sensitive might bleed to hear how consciences are coerced, and, when conscience proves incorruptible, how families are ruined. The wrong being perpetuated, we are next charged wih its consequences; the localities from which we have been excluded or expelled are exhibited as destitute, and we are asked, in accents of reproach, why we have not supplied the destitution."

"When they pronounce the Church dependent on secular power, and implore its enemies to preserve it from ruin, I feel as if creation were pronounced in peril, and props were gathered to support the heavens, or cords to fasten the foundations of the earth."*

The victory was complete. A Royal Commission was appointed, but nothing was done. And the Government were candid enough to tell the reason why. In his interview with the Church Extension Committee's Deputation in 1838, the Duke of Wellington said:—

"My firm conviction is that you will get nothing. The real question which now divides this country,

* Memoir of Dr. King, pages 82, 83, 84, 90.

> and which truly divides the House of Commons is just this—Church, or no Church. People talk of the war in Spain, and the Canada question; but all that is of little moment. The real question is, Church, or no Church: and the majority of the House of Commons—a small majority, it is true, but still a majority—are practically against it. It is a melancholy state of things, but such appears to me to be the actual position in which we now stand." *

The Voluntaries had won. Their arguments had proved irresistible, but with all their ability they advanced no argument against the extension of the Establishment that does not bear with equal force against its continuance.

7.—The Annuity Tax.

Other events at this time tended greatly to the unpopularity of the Establishment. In certain towns in Scotland, notably in Edinburgh and Montrose, the stipends of the clergy of the Church of Scotland were paid out of an Annuity Tax levied direct on the citizens. In Edinburgh, this Tax was first imposed by an Act of the Privy Council in 1634. In 1649 an Act of Parliament authorised the raising of 19,000 merks, at the rate of five per cent. on the rental of the City, not excepting at that time even the College of Justice, "or any person or persons whatsoever." †

An Act of 1661 raised the tax to six per cent. on the rents of all houses and shops within the City, but by a strange humour members of "the College of *Justice*" were deemed exempt.‡ Under the influence of the Voluntary Controversy, increasing numbers refused to pay the Tax, and in the year 1833 no fewer than 846 citizens were prosecuted for refusing to pay, their sole defence

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* Buchanan's Ten Years' Conflict, I., page 367.

† The Law of Christ respecting Civil Obedience, by Dr. John Brown, pages 368-372.

‡ The tax was reduced in 1860, and, under an Act passed in 1870, it was redeemed by payment of £56,500 by the Corporation to the Edinburgh Ecclesiastical Commissioners.

being the religious and conscientious scruple.* Altogether warrants were issued against no less than 1,961 recusants in Edinburgh.† In December, 1835, Dr. John Brown, the honoured minister of Broughton Place Church, paid the Tax, but under a protest which he published in the *Scotsman* newspaper of January 2, 1836, declaring it to be his conscientious belief that

> "A compulsory system of religious institutions is inconsistent with the rights of men, the nature of religion, the spirit of the gospel, and the express law of Jesus Christ."

The following year he went a step further, and, at a great Public Meeting in Rose Street Church, on 19th October, 1837, announced that he had not paid the Tax, and never again would pay it. This raised at once the whole question of the authority and limitation of Civil Obedience, and keen attacks came upon Dr. Brown from Dissenting as well as from Established quarters. Robert and James Haldane were notable dissenters in Scotland, and may be claimed as pioneer founders and princely donors of the Independent and Baptist Churches. But now, in 1837, to the surprise of dissenters and the delight of the Establishment, Robert Haldane, came out to preach obedience to civil power, and violently to denounce Dr. John Brown. In a letter to the "Edinburgh Advertiser," he declared that Dr. Brown's resolution not to pay the Annuity Tax was "directly contrary to Scripture, and trampled under foot one of the great laws of the Kingdom of Christ." "I am shocked," he exclaimed, "with your determination of going to prison, rather than pay a tax of which you disapprove;" and he added:—

> "To resist a tax imposed by the Government under which you live, is to rebel against Christ, and in the end may kindle the flames of civil war."‡

On his part, Dr. Brown had no difficulty in citing the precedent of the Covenanters who refused to pay the Cess Tax imposed in 1678 for the purpose of "enabling His

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* Taylor Innes, Church and State, page 226.

† Lives of Robert and James Haldane, page 569.

‡ Dr. Brown's Law of Christ respecting Civil Obedience, pages 198-199.

Majesty to put down dangerous field conventicles."* He could cite the action of the General Assembly in 1648 when in reply to the demand of the Scottish Parliament for men and money to carry war into England, and at a time when many were refusing to pay the Tax for defraying the expenses of the war, they called on all their people to be "in no ways accessory to this sinful Engagement," and

> "so to respect and honour authority, as that they be not the servants of men, nor give obedience to the will and authority of rulers, in anything which may not consist with the Word of God, but stand fast in the liberty wherewith Christ hath made them free, and obey God rather than man."†

All honour to Dr. John Brown for his teaching and his action on the limits of civil obedience, and for the part he took in making the bounds of our civil freedom broader yet. Our Church has but imperfectly learned the lesson he taught, but he had at least two remarkable vindications in the later history of the Church. In 1865, the United Presbyterian Synod adopted Resolutions on the subject of the Edinburgh Annuity Tax, the *first* of which ran as follows:—

> "That the law which imposes a Tax for the support of religion is not only impolitic and unjust, but opposed to the law of Christ, which forbids the employment of force for the propagation or support of religion."

And the *third*—

> "That meanwhile the Synod gives instructions not to pay the sum charged, under the head of Annuity Tax Arrears, in respect of the Synod House and premiums connected with it."

In the following year, the sum sued for having been paid by "friends," the Synod recorded:—

> "That it was not to be regarded as expressing any approval of the conduct of those who paid the arrears of Annuity Tax charged on the Synod."‡

* Dr. Brown's Law of Christ respecting Civil Obedience, pages 421-434.

† Acts of General Assembly, 1638-1842, page 178.

‡ Jubilee of the United Presbyterian Church, page 35.

In 1904, the United Free Church Assembly in a full house passed, with virtual unanimity, the following Resolutions relative to the English Education Acts :—

(1) The Assembly express their strong sense of the grave injustice of certain of the provisions of these Education Acts, and their high appreciation of the resolute and unbending opposition with which these provisions have been confronted.

(2) They heartily sympathise with those brethren who, under constraint of conscience, have been compelled to adopt the attitude of passive resistance, and have submitted, even joyfully, to the spoiling of their goods and to imprisonment.

(3) They express their earnest desire and prayer that the rights now assailed may be successfully defended.*

8.—The United Presbyterian Church.

In 1847 came the Union of Secession and Relief, under the name of the United Presbyterian Church. Adherence to the principles of Voluntaryism was never made an obligatory part of the Constitution even of the United Presbyterian Church, but in the Basis of Union of 1847 we have again repeated the now familiar disowning of all compulsory or persecuting or intolerant principles in Religion, and the obligation and privilege of the Church's members to support and extend, by voluntary contribution, the Ordinances of the Gospel. And in the Rules and Forms of Procedure adopted by the Synod in 1848, it is declared :—

"The Church is entirely distinct from civil governments, and requires nothing from them but that civil protection to which all her members in their civil capacity are fully entitled. She addresses herself to the consciences and hearts of men, disclaiming all compulsory power over their persons or property; and the right of private jndgment in all matters which relate to Religion is universal and unalienable."

* Assembly Proceedings, 1904, page 267.

And in 1867, in connection with the negotiations for union with the Free Church of Scotland, the Synod adopted the Report of the Union Committee containing the following distinctive Article of the United Presbyterian Church, perhaps the most clear and explicit definition ever given of Voluntary Principles:—

> "That it is not competent to the civil magistrate to give legislative sanction to any creed, in the way of setting up a civil establishment of the Church; nor is it within his province to provide for the expense of the ministrations of religion out of the National Resources: that Jesus Christ, as sole King and Head of His Church, has enjoined upon his people to provide for maintaining and extending it by free-will offerings: that this being the Ordinance of Christ, it excludes State aid for these purposes; and that adherence to it is the true safeguard of the Church's independence. Moreover, though uniformity of opinion with respect to civil establishments of religion is not a term of communion in the United Presbyterian Church, yet the views on this subject held, and universally acted on, are opposed to these institutions.*

From that position the United Presbyterian Church never swerved. Her Resolutions in favour of Disestablishment and Disendowment were carried in a brief stormy period with virtual, and for the rest with absolute, unanimity. Two prominent United Presbyterians rise before us like pillars steadfast in the stormy contendings on Church and State in Scotland. Principal Cairns, standing in intellectual power above all his compeers, was a man who won the unbounded admiration of all Scotland. It was only after his death that it came to light that he had been offered the Principalship of Edinburgh University as early as 1859 while he was still minister at Berwick, and that the Electors had written to him:—"If we place you in the Principal's Chair the act will be ratified by the country as one of the best appointments ever made." He may have declined it on the same ground on which John

* The Jubilee of the United Presbyterian Church; Synod Minutes, 1873, Appendix, page 317.

Bright declared his aversion to entering the Cabinet: "I dwell among mine own people." A convinced Voluntary, Dr. Cairns acted as a conciliator in the Union Negotiations of 1863-1873, seeking ever to dissociate Voluntaryism from false interpretations sometimes put upon it, such as, that it emancipates the civil magistrate altogether from the control and influence of religion, and makes legislation in the Christian, as opposed to and distinguished from the Pagan spirit, impossible. To that he replied:—

> "I hold that we are doing justice to our principles, to the universal creed of this Church, and to the greatest and wisest teachers among Voluntaries in the past age when we say that 'magistrates *as well as other men* are under obligation to submit themselves to the Lord Jesus Christ, and to regulate their conduct in their several places and relations by His Word.'" *

For twenty years, from 1877 onwards, Dr. Cairns was the open and indefatigable advocate of Disestablishment, speaking fully and fearlessly at meetings in all parts of the country, advocating the change on grounds of political justice, but far more in the interests of the Church itself, placing the whole subject on broad massive grounds that lay outwith the ordinary lines of advocacy. Thus:—

> "It is my firm conviction that the more fully the distinctness of Church and State is realised—a grand peculiarity of Christianity, by which it gloriously redresses the weakness of all Pagan ethics and politics, which had only one agent to do the work of two—the more does it supersede the application of State resources to the uses of the Church in its distinctive functions; and as no function of the Church is so distinctive as the preaching and propagation of the Gospel, the ordinary support of this ordinance falls beyond the pale of State obligation." †

But the outstanding champion of these principles was the Rev. George Clark Hutton, D.D., of Paisley.

* Life, by MacEwen, page 515.

† Life, by MacEwen, page 607. See also chapters XIII. to XVII. of this Book.

The Disestablishment of the Irish Church in 1869 gave a new impetus to the cause, and in 1872 the Synod set up a Committee on Disestablishment, and of that Committee Dr. Hutton was appointed Convener, a position which he held almost continuously in the United Presbyterian Church, and jointly in the United Free Church until his death in 1908. To history, Dr. Hutton will be known as one of the most able, fearless, and consistent advocates of Voluntaryism ever seen in this or any country. He undertook great Disestablishment tours as far as Orkney and Shetland, and by voice and pen supported the cause in all parts of the country. A master of Assemblies, unrivalled in debate, he poured discomfiture and rout upon his antagonists. In grappling with great subjects he forged new words to incorporate his ideas. With the utmost precision he defined the relations of Church and State. It was of him that Lord Shaw of Dunfermline once quoted in the Synod the lines of Milton on Sir Henry Vane:—

> "To know
> Both spiritual power and civil, what each means.
> What severs each thou hast learned, which few
> have done."

Ever as he spoke on his great theme he carried us to the heights, and gave us moments of the pure air of freedom and of the eternal calm of heaven. His last public utterance in the General Assembly was in the Church and State Debate on 21st May, 1908, a week before his death, and he used these words:—

> "I am astonished at anybody thinking this is a minor question. It is a great question—whether the Church of Christ is to be conducted on the establishment principle, or on that principle on which He Himself laid its foundation—an appeal to the conscience and hearts of men."

And he concluded thus:—

> "And as to the principle of Establishment, to-day that is the base rock. I would say, therefore, to those who desire truth—well, I have been a Minister of the Gospel for fifty-seven years, and I never found a time when it was not opportune to preach the doctrines of

Christianity; and as this is a question not only political, but religious, I hold there never can be a time when we shall not be in good opportunity showing the unscripturalness and the injustice and the impolicy of the civil establishment of religion. What we stand here for, fathers and brethren, is the liberty of the Church of Christ, the liberty that Christ Himself has bestowed, like his peace, upon us, and that the world cannot give, the world cannot take away. It is that liberty, which we are seeking to secure for ourselves and for all the Churches of Christ; and, with that, civil liberty which shall enable the Church to carry on the work of Christ in full exercise, as a matter of justice and equity in the midst of society. I venture, therefore, to say, if I may quote the words of Nehemiah, that it was four times he sent back the message. He had four messages from those people who were imploring him to come down; and he replied all times in the same manner. We are doing a great work, and we cannot come down. Why should the work cease, and we leave it to come down to you?"*

At the Assembly's private meeting on the subject of the invitation to conference with the Church of Scotland, he read over the Resolution that would satisfy him. Its concluding words were:—

"In these circumstances the Assembly respectfully declines the proposals of conference made by the Church of Scotland, as unfitted in its judgment to advance the best interests of Scottish Presbyterian reunion or co-operation of Churches, and must continue to labour and pray for the removal of invincible obstacles in the providential opportunities of the future."

During these last days he said to his old friend and fellow-student, Dr. G. D. Matthews:—

"Men should be always steadfast to principle."

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* Assembly Proceedings, 1908, page 97.

In his last interview, the day before his death, he said to his old comrade-in-arms, the Rev. Benjamin Martin, M.A., of Leslie:—

"Be true; stand fast." *

He was the Mr. Standfast of our Pilgrim group, and in our Covenant "the short man who could not bow." His doctrines were never fashioned to the varying hour. He changed not with the men of a thousand shifts and wiles. Severe in garb as in speech, he could not brook the frills and ruffles of ecclesiastical state, and was the first, if not so far the last, to discard the court dress of the Moderator's chair. What went ye out for to see? A reed shaken by the wind? A man clothed in soft raiment? Nay, verily, but a prophet, and more than a prophet. Yet those of us who were at all near him found beneath the outer garb a kindly feeling, a rare tenderness, a mellow sympathy; and, like James Renwick, he was a lion in God's cause, but a lamb in his own. He died with his harness on, in death as in life still contending for as noble a cause as that for which the other *short man who could not bow* did in the end, of the Cross of Edinburgh, at length gladly "*bow his neck* the death to feel."

* Life, by Oliver, pages 201-203.

CHAPTER VIII.

THE DISRUPTION FATHERS.

"*I am proud of my country. There is not another country upon earth where such a deed could have been done.*"—LORD JEFFREY.

"*I shall never see the like till heaven.*"—Dr. LANDSBOROUGH.*

"*Noble and great was the country, however bounded were its limits, that could produce such men, ready in this Nineteenth Century of ours to offer such sacrifices to their consciences and to God.*"—W. E. GLADSTONE. †

IT is not possible to describe here at any length the causes that led up to the Disruption. Through five years of legal decisions the State not only denied all real spiritual independence, but definitely invaded the spiritual sphere. In the Auchterarder and Stewarton Cases,‡ she was declared to have no legislative power in such vital matters as the calling of Ministers and the constitution of Church Courts. In the Lethendy case the Court of Session interdicted a Presbytery from carrying out its own Resolution, and when the ministers proceeded in disregard of the interdict, they were summoned to the High Court, solemnly rebuked, and warned that should any breach of interdict occur again they would inevitably be sent to prison. In the Strathbogie Case, a rejected nominee of the patrons obtained interdict from the Court of Session to prevent the Presbytery proceeding with the ordination of an acceptable minister. The majority of the Presbytery, being of the Moderate persuasion, agreed to bow to the interdict on the ground "that the Court of Session had

* Annals of the Disruption, I., pages 97, 98.

† 3 Hansard, ccxx., page 1123; Speech of 6th July, 1874.

‡ On these and the following cases, see Buchanan's History of the Ten Years' Conflict, Annals of the Disruption, I., chapter iv.; Chapters from the History of the Free Church, chapter i.; Macpherson, Scotland's Battles for Spiritual Independence, chapter x. See also chapter xviii. of this book.

authority in matters relating to the induction of ministers." The Church thereupon suspended these seven ministers for taking their orders from the Court of Session rather than from the General Assembly, and were proceeding to arrange to send preachers to discharge the spiritual functions in the parish thus affected, when the recalcitrant ministers obtained interdict prohibiting all ministers of the Church of Scotland from entering their parishes without their consent. It was in vain that the leaders of the Church hurried north to defy the interdicts. Interdicts were served on them as they were about to enter the pulpits. Dr. Guthrie has described in picturesque language his own experience:—

> "On the Lord's Day, when I was preparing for divine service, in came the servant of the law and handed me an interdict. I told him he had done his duty and I would do mine. The interdict forbade me, under penalty of the Calton Jail, to preach in the Parish Churches of Strathbogie. I said the parish churches are stone and lime, and belong to the State; I will not intrude there. It forbade me to preach the Gospel in the School-houses. I said the School-houses are stone and lime and belong to the State; I will not intrude there. It forbade me to preach in the Churchyard. I said the dust of the dead is the State's; I will not intrude there. But when the Lords of the Session forbade me to preach my Master's blessed Gospel and offer salvation to sinners anywhere in that district under the arch of heaven, I put the interdict under my feet, and I preached the Gospel."*

The recalcitrant ministers now went further and asked the Civil Court to take off the spiritual sentence and restore them to the exercise of their proper civil functions, and this the Court actually professed to do by a formal decree, the Church finally replying by deposing these men in the Assembly of 1841 from the office of the ministry.

Baffled in the Law Courts, the Church sought redress from Parliament in its Claim of Right of 1842. The

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* Annals of the Disruption, I., page 36.

Government repudiated the Claim, and, on 7th March, 1843, Mr. Fox Maule's motion for a Committee of Inquiry was defeated by 211 to 76, though of the 37 Scottish members present at the division, 25 voted for Mr. Maule. The Non-Intrusion Party had now no alternative but to secede. On Thursday, 18th May, 1843, the General Assembly met in St. Andrew's Church, Edinburgh. The retiring Moderator, Dr. Welsh, preached the usual sermon, but instead of proceeding to constitute the Assembly he read a Protest, declaring that they must now separate in an orderly way from the Establishment, and concluding with the momentous words:—

> "And we do now, for the purpose foresaid, withdraw accordingly, humbly and solemnly acknowledging the hand of the Lord in the things that have come upon us, because of our manifold sins, and the sins of this Church and Nation; but, at the same time, with an assured conviction, that we are not responsible for any consequence that may follow from this enforced separation from an Establishment which we loved and prized—through interference with conscience, the dishonour due to Christ's Crown, and the rejection of His sole and supreme authority as King in His Church."*

Then the procession streamed forth, with Dr. Welsh and Dr. Chalmers at its head. "They come, they come," rang through the thronging multitudes in the streets; and the long deep shout was continued while not a score† as had been predicted, but more than 400‡ Ministers and a still larger number of Elders "came out." A great cheer burst from the assembled masses as Scotland's grandest procession swept down the street to the Tanfield Hall, Canonmills. In the procession walked eight former Moderators, two Principals of Universities, four Theological Professors, and the Lord Provost of Edinburgh who was joined at Tanfield Hall by the Lord Provost of Glasgow. But if the spectacle on the streets of the

* The Practice of the Free Church of Scotland, 146.

† Six was the figure current at Westminster; 3 Hansard, ccxx., page 1100.

‡ 474 ministers signed the Deed of Demission a few days later.

capital was so magnificent and impressive, no less impressive were the scenes within Tanfield Hall. As the protesting and now liberated ministers entered the Hall, the enthusiasm of the audience knew no bounds. Dr. Welsh offered up his never-forgotten prayer, so eloquently described by Dr. Buchanan:—

> "It carried back the mind to the days of the Redeemer's flesh—when He, the Church's now exalted Head and Lord, Himself dwelt on earth, and when, upon the mountain side, or by the shores of the sea of Galilee, with no covering but the canopy of heaven above those who followed Him, He had preached the Gospel of the grace of God; and it sought that His presence might be with His servants now, when they too were about to go forth into the open fields, compelled to forsake the pleasant tabernacles of their fathers, in order to maintain unbroken their fathers' testimony for Christ's Covenant and Crown."†

By universal acclamation Dr. Chalmers was then called to the chair. He announced Psalm xliii. at the third verse:—

> "O send thy light forth and thy truth,"

and at that very moment as by some pre-established harmony, the heavy thunder cloud that had darkened the sky and cast its shadows over the Assembly suddenly lifted, and the sun shone bright upon the scene. *The sun rose upon the Free Church then; we are determined that it shall not set upon it now.*

Dr. Chalmers, the leader of the movement, was a man of rare genius and the most versatile gifts. Eminent alike in science and theology, after his great work in the city of Glasgow he proceeded in 1823 to the Chair of Moral Philosophy in the University of St. Andrews, and five years later he took up the position of Theological Professor in the University of Edinburgh, and in 1843 he became Principal and Primarius Divinity Professor in the New College. From the moment of his conversion, he burned with a passion to preach the Gospel to the

† The Ten Years' Conflict, Book II., pages 601-602.

perishing multitudes of his countrymen, and to uplift the poor and the fallen in the great cities. So brilliant was he as a Lecturer that, when he proceeded in 1838 to London to deliver his famous lectures in defence of Civil Establishments, there gathered to hear him some of the most influential audiences ever seen in the Metropolis, including the most distinguished members of both Houses of Parliament and the leading prelates of the Church of England. Not least did his oratory shine in the pulpit, and his sermons were set in gems of purest ray. Gladstone, on hearing him for the second time, wrote in 1834:—"His gems lie like paving stones."* Carlyle wrote of him to Dr. Hanna:—

> "Probably the time is coming when it will be more apparent than it is now to everyone, that here intrinsically was the chief Scottish man of his time—a man possessed of such a massive geniality of intellect and temper as belonged to no other man. What a grand simplicity, broad humour, blent so kindly with enthusiastic ardour and blazing thought—a man of such mild, noble valour, strength, and piety—above all things, of such perfect veracity, I have not met with in these times. Honour to him, honour belongs to him and to the essential work he did—an everlasting continuance among the possessions of this world."†

It was not easy for Chalmers to leave the Establishment, nor did he abandon the Establishment principle. Cautious to a degree, a Conservative by party and by instinct, he approved the Catholic Emancipation Act of 1829 both on civil and religious grounds, but he shrank from the Reform Bill of 1832. The Voluntaries, as we have seen, had defeated his Parliamentary Scheme for Church Extension, and he had been the great Protagonist against them in the Defence of Civil Establishments. It is, therefore, no way surprising that in his Introductory Address at the opening of the Assembly in Tanfield Hall on 18th May, 1843, he should have used the oft-quoted words:—

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* Morley's Life, I., 110.

† Chapters from the History of the Free Church, pages 20-21.

> "Though we quit the Establishment, we go out on the Establishment principle; we quit a vitiated Establishment, but would rejoice in returning to a pure one. To express it otherwise—we are the advocates for a national recognition and national support of religion—and we are not Voluntaries."

But the great event of the Disruption was already leading to a change of attitude on all the questions of State Relationship, and we will seek to show now some of the changes of thought in process.

1.—Changing Attitude to the Voluntaries.

Strange to say, it was on Chalmers himself that the obligation was laid of giving expression to the new sentiment. The above reference to the Voluntaries gave great offence to many in the Assembly, who already saw that the Voluntaries must be their allies in the future. There were "some distant sounds of disapprobation," says the *Witness* newspaper. The resentment was the more keen that in his introductory address he had coupled Voluntaries with Anarchists and all who would lift a menacing front against "the powers that be." He declared they could never coalesce with men who chose to live among the elements of confusion and delighted in turbulence and tumult; called the Church to be on its guard against the lawless and revolutionary politics of those who spoke evil of dignitaries, and were given to change; and declared they could have neither sympathy nor co-partnership with men who were recklessly attempting to pull down the aristocracy. Then he used these words:—

> "If on the flag of your truly free and constitutional Church you are willing to inscribe that you are no Voluntaries, then still more there will be an utter absence of sympathy on your part with the demagogue and agitator of the day—so that in golden characters may be seen and read of all men this other inscription, 'that you are no anarchists.'" *

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* "Witness" Newspaper, May 19, 1843; Memoir IV., 348-349.

So great was the dissatisfaction with the utterance that Chalmers felt himself obliged to take notice of it, and two days later expressed himself in these terms :—

"Before I conclude, I have one thing to state, to which I would request the attention of any of our Voluntary friends who are present. I don't know anything that has more annoyed me than the report of the speech I gave from the chair, in which I am represented as saying that I can hold no communion with those who hold the Voluntary principle. Now, I said no such thing. I don't ask them to renounce their principle, and all I ask at their hands is, that they will not ask me to renounce my principle. It was a point of difference between us; but I expressly said that it was a point upon which we could agree to differ. We can hold communion with those who think that there should be no connection between Church and State—though we can hold no communion with those who think that there should be such connection, even though the State should lend its influence to the theology of the Church so as to make it different from the pure theology that comes directly to us from the fountain-head of truth. I hope that this explanation will suffice for the removal of any misunderstanding that may have been excited from the perusal of this grievous mis-report, which, I must say, has annoyed me exceedingly. I say that we may be engaged in a common cause, and that there may be a common coadjutorship. There is room for us all, and while walking side by side, and making attempts upon the vast outfield of our population, we may take a lesson from the Missionaries, who from the time they arrive in a foreign land, forget their differences, which are all absorbed in a common object—the Christianising of the people of the country where they labour. Agreeably to the excellent distinction that there is a difference between co-operation and incorporation, we are, perhaps, not yet come to the length of incorporation; but in the meanwhile, there may be the most cordial, the most entire co-operation.*

* "Witness" Newspaper, 23th May, 1843.

A further step was taken when, on 18th October, 1843, the Glasgow Assembly received a deputation from the Synod of the Reformed Presbyterian Church, the oldest body of Dissenters in Scotland, and also from the United Secession Church. The latter of these deputations consisted of Rev. Drs. Brown, Heugh, King, and Harper, the Rev. Mr. Struthers, Moderator of the Synod, and Mr. James Peddie—men prominently identified as we have seen with the Voluntary Controversy. The deputation spoke with the utmost cordiality, and foreshadowed movements toward Union; and the way in which their statements were received was as significant as were the utterances themselves. Thus Dr. King:—

> "As we cannot unite at present, whatever may be the blame attaching to the impossibility, all I suggest is, that we keep the end in view, and beware of committing one act, or even uttering one word, that would either retard or embitter the happy consummation." (Great applause).

And Dr. John Brown:—

> "We regard, then, the Free Church of Scotland, its ministers and people, with admiration and cordial love. They have a place in our hearts, I believe, next to the body of Christians with which we ourselves are more immediately connected; and we look forward with earnest desire and confident hope to the period, which I cannot think is likely to be a distant one, when the two bodies will be more closely united. (Loud applause). *

In the same Assembly, Chalmers said he would be glad if Voluntaryism in the largest sense of the term should be found adequate for the ministrations of the Gospel over the whole of Scotland:—

> "I shall be exceedingly delighted with the success of our experiments; and in point of fact we have some reason for looking forward to the sufficiency of these two sources." †

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* "Witness" Newspaper, 24th October, 1843.

† Internal and External Voluntaryism, and by external he meant a Congregation helping a cause outside itself.

Then he proceeded:—

> "I look forward, now, therefore, with more hope than I did with regret before; and in regard to our friends the Voluntaries we have come to understand each other better. I am glad to understand they are taking a leaf out of our book. They are beginning to institute a general fund. I rejoice to hear it; for the more our points of similarity are multiplied the greater likelihood is there of *our being amalgamated before all is done.* They have taken that leaf out of our book, and we have many a leaf to take out of theirs. Well, then, what is the amount of the difference betwixt us? It is simply in regard to the duty of a third party, with whom neither the one nor the other has any connection in matters of this kind."

And he added:—

> "Then I say the only difference between the Free Church now, and the Established Church before, is, that whereas the Established Church was a State-endowed Church, the Free Church, still retaining the principle of endowment, *is a people-endowed Church.*" *

As early as 1843, Dr. Guthrie, in the first speech he ever made in the Assembly, had pointed the way to Union with the Voluntaries. Thus on 2nd June, 1864, he wrote to Dr. Cairns:—

> "One-and-twenty years ago, on the first occasion of my opening my lips in the Free Church Assembly, I proposed the coming Union, and expressed my desire for it and my conviction that no insuperable or even serious obstacle stood in the way of a consummation so devoutly to be wished for."†

2.—Changing Attitude toward the Establishment.

Even the shadow of coming Disruption had a powerful influence on men's thoughts of Establishment. Next to Chalmers the most prominent and powerful Churchman at the Disruption was Robert Smith Candlish, D.D.,

* "Witness" Newspaper, 25th October, 1843.

† Life of Cairns, by MacEwen, page 512.

minister of St. George's Church, Edinburgh, and afterwards Principal of the New College. Like an illustrious successor in that office—the late Principal Marcus Dods—he had a long series of disappointments as a Probationer, and every fresh Vacancy was but a place

> "Whither he went, and fired his aimless shot,
> Then passed away, and was forgot."

He had thought of proceeding to Canada, but was appointed assistant of St. George's Parish, and became its minister in 1834. He soon stood forth one of the greatest preachers of his time, and made St. George's the pulpit throne of our Church. He was reticent at first as to the great subject that was soon to cleave the Church in twain; but in 1839, when he made his first speech in the Assembly, he cast in his lot with the Evangelical Party, and henceforth wielded an influence in the Church that was second only to that of Chalmers himself. On the subject before us he gave a very explicit utterance at a great meeting in the West Church, Edinburgh, in August, 1841. He said:—

> "I hold an Erastian Establishment to be worse than none at all. It is our bounden duty to bear this testimony, that the Church ought to be established on the principles which we are contending for, or that there should be no establishment in the land at all."*

And at a similar meeting held in Glasgow in September, 1841, he said:—

> "We are now called upon not merely to insist that the Establishment should continue to be what it was held to be at the Revolution Settlement, but to insist that there shall be no Establishment on any other terms. Our warfare, then, must be not merely to keep in the Establishment ourselves, but our determination must be to take good care, if we are thrust out of the Establishment, and the Establishment remains on Erastian principles, that we will bear our testimony against such an Establishment as antiscriptural." †

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* Wilson's Memorials of R S. Candlish, page 154.

† Wilson's Memorials, page 159.

Chalmers had often spoken in somewhat the same sense. Thus in his letter to Sir George Sinclair, a member of the Government, on 4th December, 1841, he wrote:—

> "I have uniformly stated, that the least violation of the spiritual independence of the Church in return for a State Endowment was enough to convert a Church Establishment into a moral nuisance." *

So Dr. Tweedie in 1843:—

> "When we leave the Establishment we shall take every step within our power, and use all the influence which remains to us, to bring down the Establishment that will then exist." *

In this connection there are other two very striking testimonies. The first, that of Alexander Murray Dunlop, the most eminent lawyer in the Church, drafter of the Church's Claim of Right and Protest, numbered by Cockburn among the famous four—Chalmers, Candlish, Dunlop, and Speirs—who in the days of Disruption could either be pillars of light in hours of darkness, or wield the flaming sword in the day of battle. Lord Cockburn called him "the purest of enthusiasts." In May, 1845, he contested the Burgh of Greenock. It was the time of keen controversy over the Maynooth Grant, and he stood as an opponent of the endowment of Maynooth. But he went further. He began to see, as most of us come to see some day, that the endowment of Roman Catholicism is but an offset and counter-balance that inevitably comes sooner or later, in Church or in School, as a just recompense or retribution for the endowment of Protestantism. At a banquet in connection with the election he said that he saw now that things were brought to this condition in this country that in order to the endowment of truth at all we must endow it jointly with error, and therefore he could not hesitate a moment in his choice, but must say, Let there be no establishment—let there be no establishment at all. So he concluded:—

> "I have no difficulty, then, in taking up practically the same gronnd with a determined

* Hanna's Memoirs of Dr. Chalmers, vol. IV., page 242.

* See Assembly Proceedings, 1878, page 193.

> Voluntary. We differ, indeed, in our principles, and we take different roads, but we arrive at the same results. Now, I don't say this contingently—I don't say this with reference to circumstances which may happen in the future. The time, in my opinion, has already come. We are now brought to the alternative, either of agreeing to the establishment of truth along with error, and to the establishment of truth under fetters, which no christian can consistently submit to, or of having no establishment at all. I therefore make my election now, and neither I nor any consistent Free Churchman can hesitate for a moment in adopting the latter alternative, and fighting as firmly in opposition to Establishment, as those who hold in the abstract that in no circumstances should there ever be an establishment at all."

Another speaker at the same banquet was Dr. William Cunningham, a man of commanding personality and of the highest gifts, whose *Historical Theology* still remains as a monument at once of his massive thought and his philosophic learning. His first charge was in Greenock, in the Middle Parish Church, to which he received a "presentation" from the magistrates and other patrons. Then he passed to Trinity College Church, Edinburgh. At the Disruption he was appointed Professor of Theology, and two years later of Church History, in the New College, of which he was afterwards Principal from 1847 till his death in 1861. Speaking after Mr. Murray Dunlop at the Election Banquet already referred to, he still professed attachment to the principle of an Establishment, though he broadened it out to "doing something for the promotion of true Christianity," but when it came to the Government endowing truth and error indiscriminately, he had no hesitation in saying:—

> "You had better leave the matter altogether; withhold your unholy and polluted hands, and don't meddle with a matter which in your present condition—in your present depravity of understanding—in your present enmity against God's truth—you cannot touch without defiling. The obligation to promote the cause of God was not limited to individuals, but

was extended to man in his public capacity. But they were not to do evil that good might come, the more especially as there was another way by which the evil now proposed to be done could be avoided—namely by sweeping away the Irish Church Establishment altogether. He was thoroughly satisfied that the continued existence of that establishment in Ireland had no tendency to promote the interests of Protestantism. It might have a tendency to promote the interests of certain political parties calling themselves Protestants, but it had no tendency to promote the interests of Protestantism as it existed in men's hearts and lives. They were committed to this and nothing more, that in the position in which that country is now placed, the actual existence of the Establishment has no tendency to promote Protestantism."*

3.—Changing Attitude toward Need of State Endowments.

Thrown on the resources of the people, cut off from all State supplies, the Disruption leaders began to revise their opinions as to the necessity of State Endowments and the insufficiency of the Voluntary principle. Even before the Disruption, Chalmers expressed the confidence with which he would throw himself on the resources of the common people. In his letter of 4th December, 1841, to Sir George Sinclair, he said:—

"I shall ever regret the necessity of a separation from the State. But if driven to it by principle, it is a sacrifice which must and ought to be made. I say so, not in the spirit of menace, or for the purpose of terrifying bull-headed Toryism out of any of its inveteracies, but simply to let you know that I for one shall feel it my duty *to draw both on the middle and lower ranks, indefinitely*, in order to repair, and I confidently hope to overpass, the mischief, which I fear that our enemies, in the obstinacy of their miserable blindness, are preparing for our land. †

* Life of Cunningham, pages 317-319.

† Memoirs of Dr. Chalmers, IV., 243.

Chalmers declared that he would keep an open mind as they went forward on their great adventure. Speaking at a meeting held on 13th July, 1843, in connection with the Bi-centenary of the Westminster Assembly he delivered a speech of which Lord Cockburn said :—

> "The recently liberated doctor who a few months ago was a flaming sword in defence of the Establishment, made an admirable speech in favour of something not very unlike Voluntaryism." *

The speech contained the following very striking passage :—

> "I confess a keener scientific interest in this question than ever, now that Voluntaryism, brought to the test of experience, is fully put upon its trial; I for one will make it my strenuous endeavour to do it all justice, by drawing on its resources and capabilities to the uttermost. The most direct way surely of giving it a trial is just to try how much it will yield after that a full and fair appliance has been brought to bear upon it. It is but justice to add that we are now in the very thick of the experiment. Some years ago, we tried what Government would do in the way of an Endowment for the Religious Instruction of the people, and, after many a weary and fruitless negotiation, got nothing for our pains. We have now made our appeals to the Christian public, *and in as few months as we spent of years with the Government, we have obtained at the hands of the people the promise of towards three hundred thousand pounds.* We are not going to be at all scholastic on the subject, or to speak of the distinction between Voluntaryism *ab extra* and Voluntaryism *ab intra*, however confident we are that, on the strength of this distinction, we could make a full vindication of our whole argument. We call upon Voluntaryism to open all its fountainheads, even though it should land us in the predicament of the well-digger, who succeeded so amply in his attempts to obtain water, that he made a narrow escape from drowning in the

* "Scotland's Battles for Spiritual Independence," by Hector Macpherson, page 232.

abundance of those rushing streams which he himself had evoked from their hiding-places. Now, though my own theory should incur by it the semblance, nay, even if so be, the reality of a defeat or confutation, I for one should most heartily rejoice if Voluntaryism, playing upon us in every direction, shall make such demonstrations of its exuberance and its power as well-nigh to submerge myself, and utterly to overwhelm my argument." *

We cannot say that the waters ever flowed in such volume that Chalmers was willing to submerge himself, nor did they always flow in the channels he desired. He was seriously disappointed at the congregational selfishness displayed in connection with the Sustentation Fund, and at the Resolutions adopted by the Church as to the administration of that Fund, and in his "Earnest Appeal" issued in 1847, shortly before his death, he spoke sorrowfully of these things, and gave his final testimony in favour of the principle of National Establishments and Ecclesiastical Endowments.† He was not willing to "submerge himself;" but, as we shall show in other chapters the achievements of practical Voluntaryism in this and other lands have long ago "utterly overwhelmed his argument."

In December, 1843, Dr. Cunningham went out to America, partly to report on American Theological Institutions and partly to present the Free Church case. He returned home in time to appear at the General Assembly of May, 1844, and on our present subject he said :—

"I have not seen nor heard anything in America at all fitted to shake my firmness in this principle (the principle of National Recognition of Religion) as a principle of our Church; but I have seen much fitted to modify the impressions which some of us may once have entertained of the importance of State assistance to the Church of Christ and the cause of

* "Witness" Newspaper, 15th July, 1843.

† Hanna's Memoirs, IV., pages 488-490; Williamson's Later "Church and State" Opinions of Dr. Chalmers, page 10; Walker's Chapters in the History of the Free Church, page 56.

religion. I have seen much, yea, abundant evidence, that a vast deal of good, and good in the highest sense, may be done by Churches which have no State assistance, and I have seen much to confirm me in the belief that there is nothing to which the energies of the Church of Christ, when animated by the Spirit of Christ, are not fully adequate." *

4.—Changing Definitions of National Religion.

At the Assembly of 1844, speaking of the conception of National Religion he found entertained in America, Dr. Cunningham said :—

"The great body of those you meet are rather anxious to express their abhorrence of any Union between the Church and the State. But I found a very general admission of the great scriptural principle for which we contend, that, in virtue of the principles embodied in God's Word, the obligation is laid upon nations and rulers to have regard to the moral government of God as supreme, and to the welfare of the Church of Christ. The general admission of this doctrine is all we care about." *

5.—Changing Outlook on the Prospects of Re-Establishment.

And here, first of all, let us consider the utterances of Chalmers himself. If Chalmers had his disappointments with Voluntaryism, he was at the same time obliged to abandon all hope of Re-establishment in Scotland. Indeed the Disruption itself shattered for him for ever all such prospect. Already in his speech, at the Bi-Centenary of the Westminster Assembly, on 13th July, 1843, he had declared that the question now resolved itself into this, will there or will there not be Religious Establishments in the days of the Millenium? And in that same speech he said :—

"We assuredly stand as hopelessly dissevered from the party in question (the State), and have as

* Life of Cunningham, page 217.

little hope of being restored to a connection with them, as if there had sprung up behind us an immovable wall of brass, a thousand cubits high."*

Writing to Sir George Sinclair only eight months before his death, he made the following declaration :—

"In regard to the question of our restoration to the Establishment, I look upon this as *almost equally hopeless*, for the Free Church could not, consistently with her principles, accede to such a movement but upon such conditions as would appear quite extravagant to all secular, and therefore to the majority of our public men. In the first place we would require to be acknowledged as the Establishment; nor could we hold fellowship with the Ministers of the present National Church but upon their submitting to our discipline." †

In his examination before the Select Committee on Sites for Churches, on 12th May, 1847, less than three weeks before his death, he still stood by his old ideal of a Church "where the Ministers were paid by the State, and chosen by the people," but he held out no prospect of re-union, as is shown in the following questions and answers :—

"Is there any prospect of a re-union taking place between the Free Church and the Established Church? I am afraid not, in the way of a re-union. I think that a restoration is possible, but not in the way of a re-union between the two bodies; that is, between the Free Church and the Established Church.

You say that a restoration is possible? Yes, but if I were to state the process, it would appear, I fear, so extravagant, that *I have not the slightest hope of its being at present brought about.*"

Then in his further reply he went on to use words which may be commended to those who are satisfied that

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* "Witness" Newspaper, 15th July, 1843.

† The Later "Church and State" Opinions of Dr. Chalmers, by Williamson, page 12.

we are getting all that was asked before the Disruption :—

> "But now that we have left the Established Church, *I do not think that the same terms that would have kept us in the Church would bring us back again;* for my own part, I would say that if ever there should be a negotiation opened again, it should be a negotiation, as regards the Free Church, not for the minimum but for the optimism." *

It is true Chalmers thought that Establishment would come again with the Millennium ; but on that I find a better prophet in Robert Pollok :—

> "Thrice happy days ! thrice blest the man who saw
> Their dawn ! The Church and State, that long had held
> Unholy intercourse, were now divorced." †

When Dr. Cunningham visited America the people there were anxious to know what position the Free Church was likely to occupy in the future in relation to the question of a State Church. He therefore drew up a careful statement of what he took to be the Free Church position, and sent it to the *New York Observer*. The statement is so important in itself, and bears so closely upon the present situation, that we make no apology for reproducing it here in its entirety :—

> 1. That, with the views we entertained, we could not say that we never could in any circumstances enter into alliance with the State, and receive State assistance.
>
> 2. That we never would receive such assistance on any terms, expressed or understood, which were in the least inconsistent with the free and full exercise of all our rights and liberties as a Church of Christ.
>
> 3. That we could scarcely conceive anything more improbable than that the rulers of Great Britain, or any of the kingdoms of this world, would be willing to give assistance and support to a Church on terms and conditions with which it would be lawful for a Church of Christ to comply, and that *this improbability was so great as practically to amount in our judgement to an impossibility.*

* Hanna's "Memoirs of Dr. Chalmers," IV., pages 597 and 598.

† Pollok's "Course of Time," Book V.

4. That even if the State were to make to us proposals which, viewed in themselves, involved nothing that was, in our apprehension, inconsistent with the full recognition of all our rights and liberties as a Church of Christ, we would attach very great weight in deciding upon them, to the consideration of the way and manner in which our acceptance or refusal would bear on our relation to the other Churches of Christ—as there is good reason to believe that the maintenance of a strict relation between the Churches of Christ in a community would have a far more important bearing upon the interests of religion and the welfare of Christ's people than anything the civil power can do.

The question of National Establishments is, with the views and in the circumstances of the Free Church, a purely theoretical one; and of this I feel confident, that before the period come, if it ever come, when the rulers of Great Britain shall make to the Free Church proposals which she could for a moment entertain, the Churches of Christ in that country will have attained to such a unity of sentiment and such a cordiality of affection for each other, as to secure united and harmonious action in regard to all important matters that may bear upon the welfare of each and all of them.

A truly great utterance by the Church's chosen Delegate to America! A striking statement for the time and circumstances of the Disruption, looking not backward to the State Church, but forward to "some better thing!" Only one meaning could be put upon the utterance; only one meaning was put upon it, and upon his oral statement to the same effect. Thus on 12th January, 1844, the Committee of Synod of New York and New Jersey adopted the following Resolution:—

"We are led to believe, with great rational conviction, that the present position of the Scottish Church is *final and permanent, as divided from the domination of the British Crown, and rendered irreversible.* The only reasonable prospect is not retrogradation, but progress. In no juxtaposition of

events or things is the consequence to be apprehended as at all probable that the present Free Church of Scotland will ever recur to her former league of union with the magistracy of the nation. We trust that the Son hath made them free indeed, and we confide in God to prosper and protect them forever."

While a meeting at Easton, Pennsylvania, on 26th January, 1844, after an address by Dr. Cunningham, proceeded to pass Resolutions indicating practical measures for affording aid to the Free Church and her congregations, and these they prefaced with the following:—

"Resolved that the voluntary system of Church support, as established by the Apostles, united with equal and ample protection to every religious creed, is an attribute of a free Christian State, and the birthright of a free Christian people." *

One of the most honoured leaders of the Free Church was the Rev. Sir Henry Wellwood Moncrieff. An eminent ecclesiastical lawyer, he long acted as one of the Principal Clerks of Assembly, and prepared the Manual of Procedure known as "The Practice of the Free Church of Scotland." In the General Assembly he wielded a commanding influence for a long period of years. To the end he cherished aspirations after a possible ideal Establishment, and was ever framing motions to conserve that remote possibility; but he always held that you must clear the old site before you began to build anew, and on 11th May, 1866, he wrote to Dr. Cairns:—

"Perhaps you have seen also what some men in our Church, who ought to know and judge better, are attempting, viz., to interpose between us and our wished for Union, the Utopian idea of Union with the Establishment. These men do not know that they are playing the game of an enemy. What they are doing can come to nothing in the direction that they speak of." †

Dr. Thomas Guthrie was a prominent Disruption Leader. A polished and picturesque orator, he had a majestic power, alike in pulpit and on platform, of moving

* Life of Cunningham, pages 514-515.
† MacEwen's Life of Cairns, page 522.

whatsoever audience he addressed. Inspired throughout all his ministry with a truly missionary spirit, he became, not indeed the Founder, but one of the earliest Pioneers of Ragged Schools in Scotland; and in the beautiful monument that now stands to his memory in Princes Street, Edinburgh, a poor child is seen sheltering by his side. In 1862 he was called to the Moderator's Chair, and in his opening Address he said:—

> "If it were said to me, Suppose Government were to give you all that you ask, Spiritual Independence and the free choice of Pastors, are you prepared to accept the terms? Well, committing nobody but myself, I reply, I have no objection on the score of principle, but I am not prepared on the score of expediency to accept the terms. I was lately lame, and was under the necessity for some time of using crutches; and perhaps you will allow me to borrow an illustration from this circumstance. Well, I am not prepared to give up going on my own feet to resume the crutches. I am not prepared to do so for this reason, that after I had lost the power of walking, and had come to depend on the crutches, the State may do again what the State has done before, knock them from under me, and leave me lying a helpless slave at her feet." *

These are the testimonies of the most representative Disruption Fathers. and they show the trend away from Establishment toward practical if not theoretic Voluntaryism. But, after all, the great thing is not any utterance of Disruption Leaders. The great thing is the *fact* of the Disruption, and all it meant, and should still mean, for the Church and for Scotland. And it is that fact they are now seeking to wipe out, and expunge from our memories, as a disagreeable but passing incident in the history of the Kirk in Scotland, a little misunderstanding that can be cleared up on a sheet of paper and put all right by accommodating Statesmen. For our part we are not going to expunge the memory, or obliterate or belie the fact. Much has been forgotten in our time. It is forgotten that there was site-refusing all over the country,

* Autobiography and Memoir of Thomas Guthrie, page 729.

not only by "the little tyrants of their fields," but by great landed potentates like the Duke of Sutherland and the Duke of Buccleuch.* And even when a site was at length granted, the concession was sometimes accompanied by the most ludicrous conditions.† Our Congregations had to worship in tents and barns, in mills and granaries and outhouses and disused quarries; on the moor and road side as at Canonbie; on the open hillside at Wanlockhead, fifteen hundred feet above sea level, amid the snows of midwinter; on the sea-shore below the high water mark, or in the floating Church as at Loch Sunart. It is forgotten that there was social ostracism and intimidation and persecution from end to end of the land, that teachers lost their schools, and farmers their holdings, and tenants their homes; and servants their situations, and labourers their employment, and the poor their allowances and gratuities till, as at Errol, they made their reply:—

"Well, poor as we are, we will not sell our consciences for a peck of meal or a firlot of coals." ‡

All this, we are now told, was a regrettable incident, a little unfortunate misunderstanding. Nay, it was a deep-reaching and decisive event in the history of Scotland; a battle for freedom nobler than Bannockburn; one of the greatest blessings, as Principal Cairns described it, to the Church of Christ and to the world; an inheritance to be handed on unimpaired, enhanced, to our children and our children's children; an everlasting continuance, as Carlyle said it should be, among the possessions of this world. Yet at a Laymen's Meeting in Glasgow in favour of Union we have Lord Scott Dickson, the Lord Justice-Clerk, saying:—"He believed all of them regretted the Ten Years' Conflict," and then closing his speech by saying that he had deliberately refrained from saying anything about such things as the Civil Magistrate, Disestablishment, Disendowment and Spiritual Independence **—a Judge of the Court of Session taking credit that in his summing up he had most carefully avoided the whole point at issue

* For Thomas Carlyle's description of Jenny Fraser *versus* the Duke of Buccleuch, see Appendix I.

† See Appendix II.

‡ See Annals of the Disruption II. chapter viii.; III. chapter i.; IV. chapter vi.

** *Glasgow Herald*, 14th May, 1918.

and all the great things at stake. This is how they would effect a Union by glossing over the Secession and the Disruption, and blurring and blotting out some of the finest pages in the history of our land. This is the glib way of speaking of men who have not learned to sympathise with the strnggles and sacrifices and sufferings of Free Churchmen, and do not understand their aspirations and ideals, having been themselves all their lives defenders of privilege in Church and in State.

Such is the light and airy way in which men now speak of the Secession and the Disruption. To them the Secession was a blunder, the Disruption a misconception, while all Dissent is a profound illusion. This flippancy is in profound contrast to the solemnity with which the great steps were at first taken. Thus, for example, in the Protest of 18th May, 1843, we read:—

> "As we cannot, *without committing what we believe to be sin*—in opposition to God's law—in disregard of the honour and authority of Christ's Crown, and in violation of our own solemn vows,—comply with this condition, we cannot *in conscience* continue connected with, and retain the benefits of, an Establishment to which such condition is attached." *

Let me close this part by quoting the words of Principal Rainy:—

> "The nature of these proposals, the sum and effect of them, just came to this, that it was an effort one way or another to sponge out the Disruption. Now it is perhaps just as well that men are coming to find out that the Disruption was not one of those events which it was possible afterwards to sponge out. It was neither so small nor so shallow as to have that character. The proposal is that that event, with all it involves, and all it points to, should end in a silent disappearance, or that it should end in this way by men who do not believe our principles, making believe to accept them to gain a political object, and that we are to be parties to that result. **And in this way the great Drama of the Disruption was to be wound up under God's providence with a Farce.**†

* Authorised Standards of the Free Church, page 356.
† Assembly Proceedings, 1880, page 126.

CHAPTER IX.

THE LATER FREE CHURCH TESTIMONY.

"They might have had opportunity to have returned."
—Hebrews xi., 15.

Principal Rainy.

One grand figure rises high above all others in the latter half of the Free Church's History. We have spoken of the Fathers of the Disruption; Robert Rainy was the child of the Disruption. The stirring events of 1843, when he was a lad seventeen years of age, led him to make a great decision; in his own words:—"that year made me a minister." Minister first at Huntly and then of the High Church, Edinburgh, he was in 1862 called to the Chair of Church History in the New College. In 1872 he made his celebrated and historic reply to Dean Stanley's "Lectures on the History of the Church of Scotland." In 1874, on the death of Dr. Candlish, he became Principal of the New College, and from that time onwards he was the recognised Leader of the General Assembly, a position of unchallenged supremacy which for over thirty years he held "without rivalry and without envy." And, at the end of that time, when his work was done, Mr. A. J. Balfour in the House of Commons paid him the tribute of saying that, had his lot been cast in the political sphere, he would have made his impression on every citizen of the Empire; while Sir Henry Campbell-Bannerman, paid him this yet higher tribute:—

> "He was a man who was a statesman in a degree which is seldom reached by those who are passing their lives in the Parliamentary field."*

He made the cause of which we are writing in a pre-eminent degree his own. In constant correspondence with statesmen and many others, in public utterances throughout the country, above all in the General Assembly,

* 4 Hansard, clxix., pages 63 to 78; Speeches of 12th February, 1907.

he was ever to the front in this controversy. Never an Assembly passed but he gave out some massive, and, as it proves now, prophetic utterance on this commanding theme. For the part he took, he was assailed on all hands with the utmost violence, and the most unscrupulous personal abuse:—

"He bore the pelting scorn of half his age."

But he has given us a treasure-store of riches, and we mean to unfold it now. You tell us we must not quote Rainy. But your embargo and inhibition is the clearest confession you could possibly make of the nature of the utterances. Your prohibition has been a great incentive to us in the search. Rainy is not out of date. He has spoken to every aspect of our present situation. It is true the dead have passed beyond our controversies, and we cannot bring them to our side or make them speak in our accents, but we can still take our stand beside them and hear them utter once more their great unanswerable words. So it is to Dr. Rainy and the other Leaders of the Free Church from 1874 onwards that we now take our appeal, ranging their utterances under separate topics, as in our last chapter.

1.—Disestablishment.

There were two reasons that contributed to make Disestablishment the definite and declared policy of the Free Church from 1874 onwards. The first was the passing in that year of the Act abolishing patronage. However designed, this Act had the effect that the Free Church, like the United Presbyterian, accepted it as a new challenge to adjust and proclaim their attitude to the whole question of Church and State. The other cause was the failure in 1873 of the Ten Years' Negotiations for the Union of the Free and United Presbyterian Churches. It was on the sunken reef of the Establishment principle that the good ship was wrecked, but in both the negotiating Churches there was the feeling that it was the continued existence, and possible reconstruction, of the Establishment that had diverted the vessel from its straight and safe course. Dr. Cairns gave expression to this feeling in these words:—

"How different would the issue of the Union

movement have been but for this disturbing influence! . . . . . Was it not the fact that the presence of a State Church beside us acted as a hindrance and stumbling-block? It exalted all our theoretical differences about the Civil Magistrate into matters of living and practical application." *

Accordingly, the movement for definite Disestablishment took shape almost simultaneously in the two Dissenting Churches. The Free Church Assembly of 1873 pointed to Disestablishment without explicitly declaring for it. In 1874 the die was finally cast. Dr. Rainy was pronounced enough in his Report, that year, for the Committee on the Patronage Bill. But the Disestablishment Resolution itself was in the hands of the Rev. John Adam, D.D., Minister of Wellpark Church, Glasgow, and from 1875 Secretary of the Home Mission Committee of the Church, a man of great business capacity who for many years alternates with Dr. Rainy in the submission of this subject to the Assembly. In supporting Dr. Adam's motion Dr. Rainy already declared for—

"a clear field and no favour."

The first Disestablishment Resolution which was carried by 295 against 98 for an Amendment by Sir Henry Moncrieff, was in these terms:—

"That the maintenance of the existing Establishments in present circumstances involves great injustice, and tends necessarily to embody erroneous principles, to obstruct right Ecclesiastical Arrangements, and greatly to paralyse the power for good which exists in these Churches. The Assembly, therefore, believe that Disestablishment, effected in a just and equitable manner, would be conducive to the efficiency of these Churches themselves, as well as to the general good of the community." †

At this time, while Disestablishment was advocated as a measure of justice, it was mainly put forward on historical grounds, and most of all in the interests of religion in the land. Thus in the first speech he made from a public platform in favour of Disestablishment, in

* MacEwen's Life of Cairns, page 617.
† Assembly Proceedings, 1874, page 212.

the Music Hall, Edinburgh, on 8th December, 1874, Dr. Rainy said :—

> "I would not be here on any other ground whatever but the advancing, according to my best belief, the Christian welfare of Scotland."*

The Resolution of 1875 was moved by Sir Henry Moncrieff, who for the present did not press his favourite dream of an undefined ideal Establishment. It contained this Clause :—

> "That the existing connection between Church and State, being upheld on an unscriptural and inequitable basis, ought to be brought to an end in the interests alike of national religion and Scottish Presbyterianism." †

In 1878, Dr. Adam said :—

> "A large section of the people were against all Establishments in principle; and he was persuaded that in the Free Church there was an increasing number of men who, while they held no abstract doctrine against an Establishment, yet believed that generally speaking, it was not safe for the Christian Church, and who were resolved that their hands would be clean, and that they would have nothing more to do in the matter." ‡

Let us give one more Extract on this general aspect of the question. It is from Principal Rainy :—

> "This question must plainly be settled some way, *and there was only one way in which it could be settled ;* and until it was settled, there must remain the element of confusion and injustice which would always force a community to the reconsideration of it, and as to how it must be settled." **

2.—Re-establishment.

This subject came up every Assembly, and Dr. Rainy, in particular, made many pronouncements on it, every one prophetic of the situation, and condemnatory of the proposals, we have before us to-day.

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* Carnegie Simpson's Life of Principal Rainy, I., page 280.
† Assembly Proceedings, 1875, page 84.
‡ Assembly Proceedings, 1878, page 175.
** Assembly Proceedings, 1885, page 125.

In 1877, his motion, carried in the Assembly by a majority of 382 (460 to 78) was in these terms :—

> "That the circumstances of the country and the relative position of the Churches preclude the present re-establishment on a Scriptural basis of a National United Free Church." *

In 1882 he declared :—"We do not go for Re-establishment," and he proceeded to elaborate his reasons, among them being the divided state of the Churches, the basis of the Constitution as declared in the Disruption period, the character of the modern State, and our experience of the Divine blessing since 1843. †

In 1885, referring to the project of *a reconstructed Establishment in which their principles were to have a fundamental place*, he said :—

> "He always regarded the proposal practically as pursuing a dream. There was no condition existing under which it was a practical thing to aim at that, or under which it would be just and reasonable that that effort would succeed; and he held that for the Church in a practical matter to begin to pursue a dream was to cause it to be led into a *position in which it would be baffled, bewildered, disgraced, and very probably divided.*" ‡

Again in 1903 :—

> "They felt the forces that tended to produce influences that were very difficult to measure, to appreciate, to identify—tendencies to slide the whole settlement on to *a practically Established basis.* There would be tendencies in that direction, and he regarded that as *about the greatest possible calamity that could overtake them.*" **

Lastly in 1905 :—

> "It was the nature of the case—it was common sense—that their friends in the Established Church were unwilling that what they reckoned its advantages should be sacrificed, and were desirous of shaping

* Assembly Proceedings, 1877, page 183.
† Assembly Proceedings, 1882, pages 76 and 77.
‡ Assembly Proceedings, 1885, page 126.
** Assembly Proceedings, 1903, page 248.

things so as to bring it to pass—that the ultimate union might be on a basis of a kind which was consistent with *the maintenance substantially of the statutory arrangements in this country, with whatever minor qualifications*, That was natural. He did not complain of it, but that very fact made it necessary, if they were convinced that it was *contrary to the best interests of religion and of the country*, and contrary especially to the convictions of their own Church, and to principles that were dear to them, that this kind of arrangement should take place, that they should calmly and without passion say so. They should say if God opened up the way union must come to pass on the other line of things and not in the way of a complication or a *tying themselves up to something which the State enacted.*" *

3.—The Basis of Union.

In the very first set debate on Disestablishment in the year 1874, Dr. Rainy declared that in the interests of co-operation in all good works it must be made—

> "frankly and plainly manifest that our view of ultimate closer relation is the view that it is to come about, come when it may, *by Disestablishment, and not by Establishment.*" †

The words have been often quoted in which Principal Rainy, speaking of the Reunion of Scottish Presbyterianism and of the Reunion thereby of the Scottish people, said:—

> "It is something to make the heart leap to think what that might be."

But in that very speech he declared over and over again that there was no way but Disestablishment; in that very speech he said:—

> "There is *no other way out of the bush*, but the way I am speaking of."

And that speech concluded with a Motion to the effect

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* Assembly Proceedings, 1905, page 256.

† Assembly Proceedings, 1874, pages 220 and 221.

that the termination of the existing connection between Church and State—

> "would remove a great obstacle to the religious well-being of the country, and to the prospect of a harmonious and flourishing Presbyterianism in Scotland." *

Finally in his last Assembly—his closing utterance as it proved to be on this subject—the Report of his speech bears :—

> "He made up his mind that it was essentially due to the public, especially to their own people, due to the Established Church itself, that they should steadily and constantly make it plain that, in their view, that *reunion should not take place upon the basis of Establishment*....In following out the duty laid upon them, and looking to the future, it was their business to do what was necessary to secure, in so far as making their own mind as a Church plain, *that there should be no betrayal of the principles either of the Secession or the Disruption* by a reunion of the only kind that could naturally commend itself, in the first instance at least, to their friends of the Established Church."†

4.—The Destination of the Endowments.

In 1880, the Resolution of the General Assembly ran in these terms :—

> "That in present circumstances the Funds set free ought to be employed on objects connected with the welfare of the community, and among these are an improved and completed system of education, in conformity with the convictions of the people of Scotland." ‡

In 1886, referring to proposals to retain the teinds and so facilitate Union, Dr. Rainy said :—

> "He appreciated the motive. At the same time he was bound to say that, for himself, he had never been able to see his way through that proposal, to see how they could work it out. He had always felt that

* Assembly Proceedings, 1880, pages 129-130.
† Assembly Proceedings, 1906, page 284.
‡ Assembly Proceedings, 1880, page 130.

if he were disposed to go for that he should have to say so plainly and from the beginning, and it was because he had never been able to see how that would work that he for one was not disposed to commit himself in any degree to a project of that kind." *

Again in 1888, he said :—

"He believed that, if they were to take this money, it would weaken their claim to have the present vexatious state of things in Scotland brought to an end; it would give their own people an exaggerated impression as to the extent to which they were assisted, so as to inspire the notion that they could dispense with their assistance; and, fnrther, he believed it would have the effect of hopelessly involving them in entanglements which would not be creditable to them." †

One of Principal Rainy's most definite utterances on this subject is contained in a letter he wrote to an Aberdeen correspondent, in the following terms :—

"As to the scheme of dividing the teinds among Presbyterians, I am satisfied *it would be a calamity* if the Free Church could ever be led after such an *ignis fatuus*. . . . . It will occasionally happen that, among those in the Free Church who support Disestablishment, some will be caught for a time by projects that look toward some way of utilising the money for religious purposes, in whole or part. They will be brought right again, not by insisting that they must become pure theoretical Voluntaries—which they will not be—but by making it clear to them, *that each separate project of that kind is a delusion and a snare*. . . . . For there is no solution in the end of the day, politically possible, simple and honest, but Disestablishment and *the application of the funds to purposes apart from Religious Bodies.*" ‡

5.—Religious Equality.

The subject of Religious Equality was first brought prominently and specifically before the Assembly in 1884

* Assembly Proceedings, 1886, page 124.
† Assembly Proceedings, 1888, page 87.
‡ Carnegie Simpson's Life of Rainy, II., page 76.

by Professor, afterwards Principal, Lindsay, of Glasgow. As a student Thomas M. Lindsay attained to the highest possible eminence in Philosophy, winning the Shaw Philosophical Fellowship, which is open once every five years to all the Universities of Scotland. In view of this conspicuous success, he was, while still a Probationer, appointed in 1872 to the Chair of Church History in the Glasgow College. The Church never made a better appointment. To his subject he brought not only a unique knowledge of the interaction of Philosophy and Theology all down the Christian centuries, but an astonishing wealth of detail covering the history of the Church in all lands and in all ages. He served the Church in many capacities. For the long period of 14 years, from 1886 to 1900, he was Convener of the Assembly's Foreign Missions Committee, and in that capacity he visited India in 1888-9. He espoused great public causes, and was not ashamed to advocate them on political platforms. He issued historical works, which will ever remain monuments of his great power and of his untiring industry. He became Principal of the Glasgow College in 1902.

In 1884, he stood forward in the Assembly as an uncompromising advocate of the Voluntary position and of the great principle of religious equality. He was by no means the first to take this position in the Assembly. In 1882, Professor Robertson Smith, the most brilliant scholar ever given to our Church, declared on the floor of the House:—

> "I say this, that I will stand here as a Free Churchman, but perfectly free to say, as I do say now, that while I am a loyal Free Churchman, recognising the value of the Act of 1843, I also stand here as a Voluntary—I say as a pure Voluntary."

And further:—

> "The principle of Religious Equality was the only principle which could offer the slightest prospect of peace and harmony among the Churches at present." *

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* Assembly Proceedings, 1882, pages 111 to 116.

On the question of Endowments, however, Professor Smith was by no means so staunch as these robust declarations would imply, and it was reserved for Professor Lindsay to give a more sustained and thorough application of these great principles. In 1884 he tabled a motion which Dr. Rainy described as framed on the ground of pure and simple Religious Equality. It reads:—

> "The Establishment and the existing Endowment of the Established Church of Scotland are inconsistent with the principles of religious equality and political justice."

He declared that he took his stand—

> "on the same platform, and enunciating the same principles as the other Free Churches in Scotland, as opposed to the principles of the Established Church." *

His motion of that year was withdrawn, but in the following year he returned to the attack with a Resolution declaring among other things the Establishment in Scotland to be—

> "incompatible with the equality of all citizens before the law, irrespective of religious beliefs."

He maintained that it was—

> "a question connected with the highest religious interest in their land, a question specially connected with the prosecution of aggressive Christian work."

With his unrivalled knowledge of Church History he declared:—

> "The connection between State and Church had since the beginning of the time landed the Church in nothing but degradation, and taken from her the power of real spiritual work."

He regarded *the Claim of Right* and its rejection as having sounded *the death-knell of Establishment in Scotland.* Quoting the words of Mr. Murray Dunlop, he declared that the *Claim of Right* had closed an historical period, *had turned down a page never to be opened again* in the history of the Reformed Church of Scotland:—

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* Assembly Proceedings, 1884, pages 143 and 144.

> "The period of history that that document had closed, was that portion of the Church's life when it had trusted to State support, and had believed in Parliamentary concordats and promise of freedom of conscience, along with Government support in money. *It had closed that period for ever.* And the period of their Church's life which it had begun was a new, free life—independent, and *independent for ever, of State support and of State control.*" *

Principal Lindsay's motion received 91 votes as against 365 for the official motion of Dr. Rainy. The following year he submitted no special motion because, as he said, Dr. Rainy had come nearer him. He declared—

> "*the Claim of Right to be the epitaph of State Churchism in Scotland*—dead and buried. Sheriff Jamieson read on the epitaph, *Resurgam.* He read, *Requiescat in pace.*" †

The victory for religious equality was won. The official motion of the following year called for Disestablishment as the only solution "fitted to promote justice, peace, and successful Church work." Dr. Adam in moving this motion defended it on the ground of religious equality in the fullest sense:—

> "People had been now enfranchised; they enjoyed equality in civil respects, and they were coming to be largely of opinion that religious equality should go hand in hand with civil equality." ‡

Henceforth in the Resolutions and Speeches of the Assembly, Disestablishment was advocated as a measure imperatively demanded at once in the best interests of Scottish Christianity and in the name of civic justice and religious equality.

6.—The New Inheritance.

The reason the Free Church leaders constantly gave for refusing to look back was that they had come into a larger liberty, into fuller vision of democracy, into a place of broad rivers and streams.

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* Assembly Proceedings, 1885, pages 141 to 145.
† Assembly Proceedings, 1885, pages 113 and 114.
‡ Assembly Proceedings, 1887, page 120.

In the very first specific discussion on Disestablishment, in 1874, Dr. Adam said :—

> "They had tasted *the sweets of liberty*, and it was not to be taken for granted that even were reformation all they could approve of, that was a ground on which they were to go back again into the embrace of the Establishment. Yes, the Government had waited until views had been matured which were *hostile to all Establishments*, rendering anything like a National Church on the basis of Establishment *an utter impossibility.*" *

In the Deliverance moved by Sir Henry Moncrieff in 1875, it was set forth :—

> "That moreover the Free Church of Scotland, under the good providence of God, and through the liberality of her people, secured from the first, and has increasingly maintained a position which she is not prepared to abandon for the sake of any advantages which re-establishment could offer her." †

In 1885, Dr. Rainy declared in the same sense that the proposal of re-establishment, presumably for themselves—

> "simply meant that they were bound to renounce the lessons which the Disruption had taught them, and their whole experience had taught them, as to the position which it was best for the Church of Christ to occupy in their day and in their country."‡

And that same year Professor Lindsay, dealing with the idea of saving the Endowments for religious purposes said :—

> "He should like the people to look seriously at the character of their coming democracy. If there was one thing it would insist upon it was this—if it spent money it would see how that money was spent, and he thought that quite right. He thought they must put away all thought of sharing in this fund,

* Assembly Proceedings, 1874, page 215.

† Assembly Proceedings, 1875, page 84.

‡ Assembly Proceedings, 1885, page 125.

and when they had put away that delusive hope, remember that *if God led them into the wilderness they had had vineyards from thence.*" *

And so the movement went on, the Resolutions always becoming firmer, the supporters more numerous, until in 1901, the year following the Union of the Free Church with the United Presbyterian, the Report of the Church and State Committee as adopted by the Assembly bore:—

"That we must regard *the Statutory connection* now maintained by the State in Scotland with the Established Church *as objectionable in principle*, and that *its termination seems to us to be a necessary step* towards the relations between Churches in Scotland which, we believe, are very widely desired." †

And that Report and the corresponding Deliverance were adopted almost unanimously in a full Assembly, only 23 voting for the Amendment. No wonder that the Junior Principal Clerk was so eager at the Assembly of 1919 to delete from the Motion anent Church and State the words "and take all needful steps in the line of former Deliverances and action of the Assembly," for every one of these Deliverances, and every motion on the subject adopted for the last five and forty years, rises up to rebuke and condemn the present proposals. And all the public testimony of the Church over that whole period, and all the authoritative and approved and unanswered utterances of our chosen leaders call us to return to our moorings. The rowers have brought us into perilous waters, and the vessel is about to strike on that now almost submerged rock of Establishment and be cleft in twain; but as we look back to the broad rivers and the spacious sea we have left, we see the spirits of our fathers starting from every wave and beckoning us to return to our own appointed course. It is told in the History of Greece how in the year 510 B.C., Cleomenes, friend and supporter of Hippias the tyrant, summoned the Peloponnesian Army to his aid, and they marched as far as Eleusis, but when they became aware of the object for which they

* Assembly Proceedings, 1885, page 145.
† Assembly Proceedings, 1901, page 182.

had been summoned, they refused to march further, and protested against the attempt to establish a tyranny at Athens. It is time for us now to take our stand, and refuse to march further in the direction of such a settlement, and such a purpose, as are now disclosed. For any settlement on the basis of a reconstructed Establishment is, as Dr. Rainy declared, *simply fatal**—fatal to liberty, fatal to unity, fatal to equality, and fatal to the United Free Church.

* Assembly Proceedings, 1902, page 263.

CHAPTER X.

DISSENT IN SCOTLAND.

"A little one shall become a thousand,
and a small one a strong nation."
—Isaiah lx. 22.

1.—The Reformed Presbyterian Church.

The Reformed Presbyterian Church is the oldest Body of Dissenters in Scotland, originating in opposition to the Revolution Settlement of 1688-1690. Long known as Cameronians from their adherence to Richard Cameron, the Lion of the Scottish Covenant, they found their chief opponent in the South of Scotland in Andrew Cameron, Parish Minister of Kirkcudbright, a brother of the great Covenanter. They objected to the omission of the Covenants in the Settlement, and they declared that they would only own William as King if he professed and promised to preserve pure religon and the covenanted work of Reformation. The three Ministers, however, who had so far espoused their cause all joined the Revolution Church, and they were left themselves to organise a Church of the people. They met in Praying Societies all over the country, and especially in the South and West. They issued Testimonies (National and Personal) in their own magnificent blunt way. On the 23rd of October, 1690, they drew up a Petition to the General Assembly, in which they declared how affecting it was for them to behold many Ministers joining hands with *the perjured prelatical hirelings and intruders;* that it was no small grief of heart to see the supremacy which belongs only to the Lord Jesus, as King and Head of His Church, given away to *a miserable mortal*, and settled upon him by laws; that it was very offensive to them that so many Ministers who should have preached in season and out of season *did not set the trumpet to their mouth as became watchmen*, but either faintly left the land, or lurked and lay by in it; that it was sad and humbling that they should pray for these tyrants and usurpers, yea some *even praying for the*

pretended Prince of Wales; and that the Church had got to be purged of *insufficient, corrupt, and scandalous officers of all sorts, especially of prelatic curates.*

Yet this rugged Document has passages of tender beauty; as when they describe as their chiefest, bitterest, and most burdensome grievance—

> "our scarcity and famine of gospel-ordinances, wherein we have languished of a long time, sighing over our silent Sabbaths, as sheep scattered without a shepherd, fainting for hunger at the head of every street, and panting after the green pastures and pleasant water-brooks of the preached gospel." *

They found a friend and in some ways a kindred spirit in the Rev. John Hepburn of Urr, and at length a Minister in the Rev. John Macmillan of Balmaghie, after whom they were often called Macmillanites.† Though his heart from the first was with the Societies yet he entered the Revolution Church, and in 1701 became Minister of the Parish of Balmaghie, "the Kirk above Dee Water." His own life was so exemplary, and his celebrations of the Sacrament so solemn, that it became a tradition that—

> "none who was unworthy could look on 'Macmillan's Cup' without plain tokens of guilty confusion." ‡

But he soon began to table in Church Courts papers of "Grievances" and "Declinatures," and sometimes "Submissions." But for him the United Societies came to be more powerful than the General Assembly, and on 14th August, 1706, he made his submission to them, lamenting that he had "displeased the Godly Remnant and greatly offended them"; the following day he signed a Paper "approving of, consenting to, and complying with all their Testimonies"; and on 9th October thereafter, he received a call from the Suffering Remnant of the true

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* Faithful Contendings Displayed, pages 448-454.

† For Macmillan's Life, see "A Cameronian Apostle," by Rev. H. M. B. Reid, D.D., formerly of Balmaghie Parish, now Professor of Divinity in the University of Glasgow.

‡ "A Cameronian Apostle," page 96.

Presbyterian Church of Christ in Scotland, England, and Ireland. Assembly procedure was now in force against him; Privy Council summonses were hurled at him. The Moderator of the Assembly summoned a Conference of Heritors, Elders, and People "at a public house in the centre of the Parish." But his people stood fast by him, and he refused to give up the keys of the Church. A Heritor proposed to pay him so much arrears of stipend if he would go away for good and all, to which Macmillan made the curt reply:—

> "Sir, let your money perish with you! I am not going to make merchandise of my Ministry. I do not say, perish yourself; but your money."*

In his "Declinature," handed in to the Commission of Assembly and dated 24th September, 1708, he really severed his connection with the State Church, and on 1st October the Commission passed an Act declaring that he and a preacher who signed it with him are "none of the Communion of this Church." Macmillan and his friends however still kept possession of Manse and Glebe, and on 9th December, 1713, took place the famous "Glebe Riot," when the new Minister and his supporters sent five ploughs guarded by "two men with guns," and after a lively and amusing scrimmage with horses, dogs, ploughs, and women mingling in the fray, the intruders were defeated and the ploughshares thrown into the Dee. Nor did Macmillan leave Manse and Glebe till 1727, after a conflict that had lasted for nearly 24 years.†

But to return to the story of the Societies; at length, after long and solemn preparations, on 24th July, 1712, the Covenants were renewed on the desolate moor of Auchensaugh in a great gathering of over a thousand people. Macmillan, after a sermon on "Right Covenanting," recited the Oath article by article, pausing at each Clause and holding up his hand, while the Covenanters, all upstanding, raised their right hands after him. Three days later, on Sabbath, 27th July, they proceeded to the celebration of the Lord's Supper for the first time since 1690. About 1,000 Communicants came to the various

* "A Cameronian Apostle," page 154.

† "A Cameronian Apostle," pages 165-169.

Tables. The most striking event of the day was when Macmillan in "fencing the Tables" said:—

> "I debar and excommunicate, from this Holy Table of the Lord, Queen and Parliament, and all under them who spread and propagate a false and superstitious worship, aye, and 'while' they repent. I excommunicate and debar all who are opposers of our Covenants and Covenanted Reformation, and all that have taken oaths contrary to our Covenants, and such particularly as are takers of the Oath of Abjuration, whether Ministers or others, until they repent."*

Other Ministers were now rallying to the Covenanting Banner. Thomas Nairn left the Secession Church in 1737, and forthwith joined the Societies. A Presbytery was formed in 1743, and the first regular charge was set up at Sandyhills, Shettleston, in 1781, its first Minister being John Macmillan, the son of the Cameronian Apostle. And from that the Church grew and multiplied, rich in her Ministers and Professors, among whom may be noted the Symingtons and Dr. Goold; in her Authors, of whom the most famous was John Howie of Lochgoin, author of "The Scots' Worthies;" and in her Missionaries, of whom the best known was John G. Paton of the New Hebrides. By 1876 they numbered 37 Congregations. It was of this Church that Dr. Rainy said that year that it had among its Members a remarkable number, proportionately, of eminent and useful men, and that beside honourable names they had had a highly honourable history in every aspect of their position.† On 25th May, 1876, they united on equal terms with the Free Church of Scotland. Remaining aloof from the Establishment for almost two centuries, they had yet held in the broader sense by the Establishment Principle, prizing, however, above all else Spiritual Independence which, they said, "we love and hold with all our might." Their Moderator, the Rev. W. H. Goold, D.D., on the occasion of this Union, closed his address in most beautiful language, referring first to the

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* "A Cameronian Apostle," pages 178-182.

† Hutchison's History of the Reformed Presbyterian Church, page 375.

kindred streams that had met and mingled as in some sweet vale of Avoca :—

> "The broad and deep stream of Free Church zeal and principle and liberality, receiving into its ample waters *a tiny moorland rill* that derives its chief interest as coming from scenes which, in the beautiful language of Renwick, are '*flowered with the graves of martyrs.*'"

Then he told how, now, on the Free Church tower of David, gleaming with the shields of the mighty, and covered with banners signalizing past victories of the faith,—

> "all men henceforth, especially Christian strangers from distant lands, acquainted with our common history, and appreciating our common principles, shall recognise and discern *an old blue flag*, of which no ridicule will ever make us ashamed, as no persecution ever made us relax our grasp of it, riddled with the shot of Claverhouse and Dalziel, consecrated with the blood of martyrdom, and inscribed with the imperishable legend, dear in a sense to every leal-hearted Scotsman, to every lover of Civil and Religious Liberty :—'For Christ's Crown and Covenant.' But above all things, all human documents and earthly badges, let us on both sides, or rather as now one Church, live and labour in a spirit of supreme and abiding loyalty to Him who graciously condescends to reveal and offer Himself as *Jehovah Nissi*, 'The Lord our Banner.'" *

2.—United Presbyterian Church.

We have seen the founding of the Secession Church in the lonely shieling at Gairney Bridge in 1733; and of the Relief Church by Thomas Gillespie in 1752. These Churches grew apace, so much so that in 1765 what was known as the Schism Overture came before the General Assembly of the Church of Scotland. It spoke of the progress of the Schism *as very remarkable*, and *on the growing hand*; affirmed there were now 120 Meeting

* Hutchison's History of the Reformed Presbyterian Church, page 434 to 438.

Houses to which more than 100,000, formerly of the Church of Scotland, were resorting; declared that the Schism was taking root in the greatest and most populous towns; and then overtured the General Assembly to take under their mature consideration—

> "*this alarming evil*, which hath so threatening an aspect to this Church, to the interests of religion, and to the peace of the country."

At the following Assembly the Overture was thrown out, and the redoubtable Adam Gib's comment on the Schism Overture was:—

> "It was near seventy-seven years out of time." *

Similar Overtures came up in 1784. It was now affirmed that no fewer than 190 Dissenting Congregations had sprung up throughout the country, that *the evil* was every day becoming *worse and worse*, and that patronage was at the root of it all. It was moved, with reference to patronage, that Presbyteries be "ordained to consult, in the most prudent and respectful manner, with the noblemen and gentlemen of landed property, and with the Magistrates and Town Councils of Burghs within their bounds." But it is not surprising that this new discussion on the growth of dissent was not relished in the Assembly, and on the motion of Dr. Hill it was agreed—

> "to reject these Overtures as inexpedient, ill-founded, and dangerous to the peace and welfare of this Church." †

In 1835, the Secession Church had 350 Congregations, and the Dissenting Places of Worship in Scotland had grown to about 800. ‡ It was at that time that Dr. King said:—

> "The Secession Church was originated by four Ministers, the Relief Church by one. The origin of the other Dissenting Churches had a like resemblance to the mustard seed; and under all the disadvantages

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* M'Kerrow's History of the Secession Church, pages 535 to 537.

† Acts of the General Assembly, pages 820 and 821; M'Donald's Civil Church Establishment, page 214; Cunningham's Church History of Scotland, page 395.

‡ Case for the Dissenters of Scotland, as submitted to Parliament, 1835; M'Kerrow's History, page 747.

> of small numbers, slender means, civil disabilities, general opprobrium; competing with a Church comprehensive, wealthy, endowed, chartered, fashionable; we have gained every year in relative strength till our demand for equal rights is hung this day in a doubtful balance with the attempt to withhold them."*

As a matter of fact, the Parliamentary Commission instituted in connection with Chalmers's application for additional endowments demonstrated through their statistical enquiry that a majority of those who attended public worship in the large towns of Scotland were dissenters. †

At the Union in 1847, the Secession numbered 384 Congregations and the Relief 113, so that the United Presbyterians commenced with 497 Churches, and a membership estimated at more than 140,000.

3.—The Free Church.

Voluntaryism did indeed open all its fountain-heads at the Disruption, and the well-digger did evoke rushing streams. Chalmers's prediction was quickly fulfilled:—

> "If we do what we might and what we ought, we will not only be able to repair the whole Disruption, but will get landed in the great and glorious work of Church Extension . . . and we shall not stop short, I trust, in our great and glorious enterprise, till in the language you have already heard, 'the light of the Gospel be carried to every cottage door within the limits of Scottish Territory.'" ‡

So did the Free Church of Scotland become in effect, as in claim, a truly National Church. Truth is stranger than fiction. The story reads like a romance. Two months after the Disruption, Chalmers could speak of £300,000 as already promised for the Funds of the Church. The sum raised for the Sustentation Fund from May 1843 to May 1844 was £68,704 14s. 8d. In money altogether, in the year of the Disruption, the Free Church raised £363,871 7s. 4½d. At the Glasgow Assembly of October,

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* Memoir and Sermons, page 86.

† Dr. Bennett's History of Dissenters, page 103.

‡ "Witness" Newspaper, 23rd May, 1843; Chapters from the History of the Free Church, by Walker, pages 75 and 76.

1843, Mr. (afterwards Dr.) Macdonald of Blairgowrie undertook to raise £50,000 to build Day Schools; in May, 1844, he announced £52,000. By the Spring of 1845, no fewer than 500 new Churches were completed, and a sum of £320,000 had been subscribed for their construction. In 1845, Dr. Guthrie set out to raise a Manse Fund of £100,000; in the Assembly of 1846, he announced £116,370. Colleges were founded in Edinburgh in 1843, and in Aberdeen and Glasgow in 1855. *

No wonder that soon after the Disruption it was said:—

> "The life-boat is going to prove better than the old ship."

No wonder that after the first full flow of the Church's liberality, Dr. King, as one of the Deputies from the United Secession Church, should have said to the Free Assembly in Glasgow, on 18th October, 1843:—

> "I think you are determined to silence our Voluntary boastings by quite transcending our Voluntary exertions. You will quiet us upon the virtue of Voluntaryism, by turning it to far better account than ourselves. We are before you in the adoption of the principle, but the less we say about that the better, when persons not adopting it outrun us in its application. You are determined to outdo us in our own province, and so get the better of us, as you could not effect it otherwise." †

Nor was it only the impulse of the moment. During the successive decades of the Free Church the average annual income of the Sustentation Fund was as follows:—£85,000 a year; £108,312; £128,000; £170,157; £172,493. In like manner, the total income for the successive decades rose as follows: — First decade, £3,018,849: second, £3,194,166; third, £3,996,310; fourth, £5,633,151; fifth, £6,217,890; last period of $7\frac{3}{4}$ years, £5,231,763. During the separate existence of the Free Church from 1843 to 1900, the total contributions amounted to £27,292,131 4s. 5d.

* For these and other figures see—Walker's Chapters from the History of the Free Church; Blaikie's After Fifty Years; Scotlands' Free Church, by Ryley and M'Candlish.

† Witness Newspaper, 21st October, 1843.

In 1878, the Church of Scotland had 1334 principal Churches; the Free and United Presbyterians together, 1,554; all Protestant Dissenters, 2,112. Under the *North British Daily Mail* Census of 1875, in Glasgow the Church of Scotland had only 27.6 per cent. of the attendance at Protestant Churches, and in the whole district canvassed only 32.3 per cent. In the *Daily Review* Census of 1877 it was found that in Caithness, Sutherland, Ross and Cromarty, so far as regards attendance, Dissenters were as 8 to 1 against Churchmen.

4.—The United Free Church.

Into the Union of 1900 the Free Church brought 1,068 Congregations, and the United Presbyterians 593; yielding a combined membership of 488,795. At the close of 1918 there were in the United Free Church 1,494 Congregations (160 local Unions having taken place from 1900), while the membership amounted to 523,808; as compared with 1,479 Parochial Charges in the Church of Scotland, and a membership in 1917 of 772,246. The total sum raised for all objects in the United Free Church in 1918 was £1,070,210 17s. 5d. In the Church of Scotland in 1917 it was £543,260, exclusive of Government Grants, interest on capital, school fees, and grants from Baird Trust and Ferguson Bequest.*

5.—The Congregational Church.

Independent doctrines first took root in Scotland in the visit of Robert Brown in 1583, and in the sojourn here from 1589 to 1592 of John Penry, who in 1593 at Tyburn was to seal his testimony with his blood. Eventually the Independents were joined by John Glas, Parish Minister of Tealing, near Dundee, who after careful study came to certain far-reaching conclusions, the first of which was—

> "that there is no warrant in the New Testament for a National Church."

In 1730, after long contendings in the Church Courts, he was deposed from the Ministry of the Church of Scotland;

* Church of Scotland Year Book, 1919, page 11.

the final charge, as is usual in such cases, being one of contumacy. Glasite Churches now sprang up all over the country. In 1768 the Rev. James Smith of Newburn and the Rev. James Ferrier of Largo gave up their Parishes, giving as their principal reason for leaving the Church of Scotland that—

> "they could no longer accept the principle of Civil Establishments of Religion."

The second of the Churches they founded was in Greyfriars Wynd, Glasgow. Towards the close of the eighteenth century, the number of Independent Churches was greatly augmented by Members leaving the Parish Churches, sometimes in a body, as a protest against the working of the system of patronage.

Then came the mission of the Haldanes already referred to. Eager anxious throngs gathered by the thousand to their field-preaching, attracted alike by their fiery zeal for the Gospel and by the novelty of their garb, James Haldane always appearing in "a blue coat with front facings and a powdered wig." In their evangelistic tours they covered all Scotland, visiting every one of the twenty-nine Orkney Islands. In 1798, Robert Haldane, like another Zinzendorf, sold his paternal estate at Airthrey, that he might apply the proceeds to the prosecution of the great work. The cause went forward apace. In 1799, two Parish Ministers—Rev. Greville Ewing of Edinburgh and Rev. William Innes of Stirling—resigned their charges and threw in their lot with the Haldanes; and to Mr. Ewing was committed the task of drawing up a Form of Government, on Congregational lines, for the Church that was spreading so rapidly all over Scotland. Difficulties and divisions came later, especially with the advent of views now known as Plymouth Brethrenism, and the adoption in 1808 of Baptist sentiments by the Haldanes and many of their people.

Meantime persecution and repression had been busy. In several parts of the Highlands, tenant farmers were evicted from their farms for receiving the preachers and attending their meetings. One of the preachers, Mr. M'Arthur, while conducting divine service at Port-Bannatyne, was violently seized and handed over to the

press-gang on the ground that he was a preacher of "immoral and seditious doctrines." The Haldanes themselves were brought up in Sheriff Courts, charged with being "vagrant preachers." Time and again they were forbidden to preach in the open-air, and threatened with imprisonment. Not only so, but their successful itineracy had drawn forth against them the ecclesiastical thunders alike of the Anti-burgher and Relief Synods as men "who had not been regularly licensed to preach the Gospel."* It had also produced the Assembly's Pastoral Letter of 1799, which saw in the appearance of the Haldanes and their English comrades, Charles Simeon and Rowland Hill, a fulfilment of the prophecy that many false teachers should arise. It described them as not confining themselves to particular stations, but acting as universal itinerant teachers; intruding themselves into their parishes without any call; erecting in several places Sunday Schools, without any countenance from the Presbytery of the bounds, the minister or heritors of the parish; committing in those schools the religious instruction of youth to ignorant persons altogether unfit for such an important charge, who presume not only to catechise, but also to expound the Scriptures; men who, by themselves or their associates, conduct those Sunday Schools and secret meetings, bringing together assemblies of people in the fields, or in places not intended for public worship; engaging the people to join this new sect, as if they alone were possessed of some secret and novel method of bringing men to heaven. And as if that were not enough it added:—

> "Much reason there is to suspect, that those who openly confess their enmity to our Ecclesiastical Establishment are no friends to our Civil Constitution; and that the name of liberty is abused by them, as it has been by others, into a cover for secret democracy and anarchy."†

In 1840, a very able young minister, the Rev. James Morison, was called to the congregation of Clerk's Lane

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* Cunningham's Church History of Scotland, vol. ii. page 410.

† Acts of the General Assembly of the Church of Scotland, pages 870 to 872.

Secession Church, Kilmarnock. He had already departed from the rigid Calvinism of the time, and he now preached with great power the universality of the atonement, and the natural ability of all men to believe the Gospel. For these and kindred doctrines he was arraigned before the Secession Presbytery of Kilmarnock on 2nd March, 1841, and suspended from the exercise of his ministry; and ultimately on 8th May, 1843, the Secession Synod meeting in Glasgow "declared that he was no longer connected with the United Secession Church." Undaunted by the decision, he contented himself with the memorable reply :—

> "Sooner shall my right hand forget its cunning, and my tongue cleave to the roof of my mouth, than that this decision shall prevent me from preaching the glorious Gospel of Jesus Christ. Seeing the Supreme Court of the United Secession Church has passed sentence against me, even to suspension from the exercise of my ministry, and that on most unjust grounds, as I conceive, I protest against the decision, and I will hold myself at liberty to maintain and preach the same doctrines as if no such decision had been come to."

To that determination he was abundantly faithful. He lived to see his doctrines, or many of them, generally accepted and preached throughout Scotland, the times so changed that he came to be reckoned a conservative Theologian, and his New Testament Commentaries take front rank in Exegetical Literature.

The Church that bore Morison's name, but was more correctly described as the Evangelical Union, was founded at Kilmarnock two days before the Disruption of 1843. In its three leading Articles it asserts the love of God, Father, Son, and Holy Spirit, toward all men everywhere. On 1st January, 1897, it united with the Congregational Union of Scotland, its Congregations at that time numbering 90 and those of the Congregational Union 96. The United Body, known as the Congregational Union of Scotland, has now 177 Churches, and reports a membership of 38,392. The Evangelical Union of to-day,

composed of those who did not join the Congregationalists, has 6 Congregations.*

6.—Other Churches.

The oldest Baptist Church in Scotland is at Keiss, Caithness, and was founded in 1750 by Sir William Sinclair of Keiss Castle. Many of the Baptist Churches owe their origin to the activities of Robert and James Haldane. The present Baptist Union was formed in 1869 with 52 Churches and 5,000 members. The contributions to the Baptist Missionary Society amounted, last year, to £7,392.

John Wesley made several evangelistic tours through Scotland from 1751 to 1790. His comments on Edinburgh and Glasgow were by no means flattering either to the beauty of the cities or to the religious devotion of the people, but he paid his tribute to the good Latin of Perth, the decorum of Dundee, and the fine feeling of Aberdeen:—

> "I preached at Aberdeen to a people that can feel as well as hear."†

As a result of these tours, "Societies of the people called Methodists" sprang up all over the land; and to-day, the Wesleyan Methodists have 52 Congregations in Scotland, with a membership at March, 1919, of 8,374. Primitive Methodism has 20 Congregations. It had its origin in the camp meeting, and it has had its own romance of holy adventure.‡

The Free Church, that held out from the Union of 1900, has 175 Congregations and 85 ministers, and has presently 14 students in attendance at the Divinity Hall. It has large bodies of adherents in many parts of the Highlands. The Free Presbyterian Church, that originated in the protest against the Free Church Declaratory

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* For this section, see Ross's History of Congregational Independency in Scotland; Lives of Robert and James Haldane; Adamson's Life of Principal Morison; Henderson's Religious Controversies of Scotland; and Congregational Year Book for 1918-1919.

† Wesley's Journals, Everyman's Library, ii., pages 194, 252; iii., page 469; iv., pages 77, 157, 502.

‡ See The Romance of Primitive Methodism, by Joseph Ritson.

Act of 1892, has 22 Congregations. The Synod of United Original Seceders, which goes back to 1733, has 25 Congregations; and the Reformed Presbyterian Church, the oldest dissenting Body, has 9 Congregations.

The Episcopal Church in Scotland, according to the returns as at 31st December, 1918, had 417 Congregations, with 55,778 Communicants and 142,911 baptised persons; while the amount raised for all objects, exclusive of grants, was £139,180.

The Roman Catholic Church had in 1917 in Scotland 591 Priests; 432 Churches, Chapels, and Stations; and a Catholic population estimated at over 548,000. As showing the Roman Catholic strength in the City of Glasgow, it may be noted that the average number of children on the roll in the schools under the management of the Education Authority of Glasgow for the four weeks ended 3rd October, 1919, was:—

For Schools other than Roman Catholic, 147,596.
For Roman Catholic Schools, - - 41,944.

The ratio of the Catholic to the Non-Catholic school population is therefore as 1 to 3.52, and the total Catholic population of the City of Glasgow may be taken as about 1 in 5 of the whole. *

7.—The Financial Strain.

But is not Dissent one long struggle for existence? Is there not a constant financial strain in all Nonconformist Churches? There is, but that strain is by no means confined to Dissenting Churches. The columns of the *Glasgow Herald* during September and October, 1919, resounded with the cry of distress from the Church of Scotland itself, in the matter particularly of the inequalities and insufficiencies of ministerial stipends. One parish minister wrote of the tragedy of many a manse, and of the shame of the Church. Another declared: "the present position in the Church of Scotland is a scandal." While at a

* The Church Statistics in this chapter are taken from the Year-Books and Annual Reports of the various Churches, and are for the last available year.

recent meeting of the Paisley Presbytery of the Church of Scotland, the Rev. George Muir, Houston, said:—

> "The outlook for a man entering the Church was, in fact, almost at zero. If a man had nothing to look forward to but the toil of a small parish where he received the miserable pittance of £200, then he was afraid they were not going to attract into the Church in the future the men they wanted for their ministers."

The Rev. James Thomson, Paisley, said that tragic poverty scarcely described the state of affairs in many a manse, and that the thing would be a matter of comedy were it not much more a matter of tragedy.*

In all our Churches the inadequacy of our finance is but the measure of the failure of our Christianity, which is to be repaired, not by State expedients, but by Christianity itself coming in, in fuller power, to the hearts and lives and impulses of men. Our giving is but the index of faith, and that, after all, cannot rise above its own level. It will fall to a lower level if, instead of unsealing the fountain-heads by which it is fed, we go away prospecting among State goldfields, looking for sunny fountains that will roll down their golden sands; or if, like the divers on the coast of Mull searching for Spanish gold in the wrecks of the Armada, we should submerge ourselves vainly looking for treasure in the ship that went down on the rocks in 1843.

And, next to the lack of Christian Religion, the existence of the Establishment is the greatest check there is to the enlargement of Christian liberality. The Establishment casts its paralysing and chilling hand first of all on the Churches that depend on State support, then on the voluntarily supported Churches within its borders, then on all the Dissenting Churches without. Its traditions and its modes of giving penetrate all Churches, and lower the scale of their offerings. The very shadow of supposed impending Union with the Church of Scotland has for the last decade chilled the spirit of voluntary giving in our Church, and nipped, as I know, great enterprises in the bud. "You could get all this," say they, "by joining

* *Glasgow Herald*, 4th, 26th, and 27th Sept., 1919.

the Church of Scotland;" "the teinds would come in handy for that." If they say and do these things in a green tree, what shall be done in the dry? Bring in the clenched hand of the State, and you drive out the open hand of the people. Bring in the State surveyors and they will stop for us the wells which our Fathers opened. They will "submerge" Chalmers's well-digger, and seal up his fountain-head, and dry up "the rushing streams evoked from their hiding-places."

On the other hand, leave all State resources, and dig deeper for your own wells, and "in the wilderness shall waters break out, and streams in the desert." And here let me summon a notable and powerful witness from within the Anglican Establishment. Dean Alford said:—

> "This liberal spirit will, I conceive, be evoked in far ampler proportions by the great change of which we are treating (viz., Disestablishment). The chief hindrance to the liberality of Churchmen for Church purposes now is, the semblance of self-sufficiency which the Church has put on by reason of her union with the State. Remove this hindrance, and the fountain of private liberality will flow as it has never flowed before."*

* Essays and Addresses, By Henry Alford, D.D., Dean of Canterbury, page 180; Article, "The Church of the Future."

CHAPTER XI.

FOREIGN MISSIONS.

"Shall we repair to our unenlightened brethren with the imposing apparatus of a Religious Establishment?"
—Rev. Andrew Marshall, D.D., LL.D.*

No one Church is able to cast stones at another in respect of givings towards Foreign Missions; and, while Established Churches have commonly been the last to move in this great enterprise, they now have large Mission Fields supported by their voluntary offerings; and in various parts of the world the missionaries of the Church of Scotland are now working side by side with ours under joint control. The Church of Scotland has 167 European missionaries, including wives of missionaries, and its Home Income for Foreign Missions was, in 1918, £50,075 4s. 9d. †

Yet Establishment itself has tended to retard this great enterprise. A narrow nationalism has interposed barriers of prejudice to this world-embracing movement. It was to a considerable extent on these grounds that, in 1796, Overtures from two Synods in favour of taking up collections for the missionary enterprise were met with such contumely in the General Assembly of the Church of Scotland. Mr. Hamilton, of Gladsmuir, afterwards a Moderator of the Church, delivered the main attack. He declared the proposal to be *highly preposterous*, and reversive of nature:—

> "Men must be polished and refined in their manners before they can be properly enlightened in religious truth. Philosophy and learning must, in the nature of things, take the precedence."

Why, he asked, should we scatter our forces and spend our strength in *foreign service*, when our utmost vigilance, our unbroken strength, is required at home?—

> "While there remains at home a single individual without the means of religious knowledge, to propagate it abroad would be *improper and absurd*."

* Memoir, page 133; "Voluntary Sermon" of 9th April, 1829.
† Church of Scotland Foreign Mission Report, 1919, page 9.

As to the proposed collections, he exclaimed :—

> "For such improper conduct censure is too small a mark of disapprobation; it would, I doubt not, be *a legal subject of penal prosecution.*"

It was then that the celebrated Dr. John Erskine—leader for many years of the Evangelical Party, a voluminous writer, and figuring in Scott's "Guy Mannering" as a great preacher—rose and said :—

> "Moderator, rax me that Bible,"

and proceeded to portray Paul as not only working his miracles at Melita, but also preaching Christ to the barbarians. The appeal was in vain. Dr. Hill, the great protagonist of Civil Establishments, came forward with a milder motion, afterwards blended with Mr. Hamilton's, and carried in the Assembly. It was a motion making general admission of the propriety of aiding in the propagation of the Gospel, but disapproving of collections, praying for the fulfilment of prophecy, and resolving to embrace any future opportunity of contributing to the cause. Dr. Hill, in speaking to it, characterised—

> "the Missionary Societies, with their united action and their common Fund, *as highly dangerous in their tendency to the good order of Society at large.*"

But it was reserved to an Elder, Mr. Boyle, afterwards a Lord of the Court of Session, to give the proper accent to the National viewpoint. "Observe, sir," he exclaimed,—

> "they are affiliated, they have a common object, they correspond with each other, they look for assistance from foreign countries, in the very language of many of *the seditious societies.* Above all, it is to be marked, they have a common fund (!). Where is the security that this will not, as the reverend Principal (Dr. Hill) said, be used for very different purposes from the professed ones? If any man says that the societies have not this connection and tendency, he says the thing that is not. It now, therefore, becomes us as much as possible to discourage numerous societies for whatever purposes; for, be the object what it may, *they are all equally bad.* And as for these Missionary Societies, I do aver, that since it is

to be apprehended that their funds may be in time, nay, certainly will be, *turned against the Constitution*, so it is the bounden duty of this House to give the overtures recommending them our most serious disapprobation, and our immediate, most decisive, opposition." *

Dr. John Cunningham, a staunch Churchman, seeks to make out that all this was only expressing the almost universal sentiments of good people at the time—Dissenters as well as Churchmen, and he says that in this very year the Anti-burghers in General Synod passed a Resolution against Missionary Societies.† But he fails to note that this motion related only to public co-operation with the Societies, that it was taken on the ground of the rigid Anti-burgher objection to associating promiscuously with men and especially ministers of other "backsliding Communions;" and that it expressly declared:—

"The Synod cannot but approve of the great design of Missionary Societies for sending the Gospel to the heathen; firmly believing that the time is speedily approaching, when the salvation of our great and common Lord shall be known to all people; rejoice in, and resolve to improve, all openings of Providence to that purpose." ‡

More than that, the Anti-burghers from 1751 onwards had been sending missionaries forth to Pennsylvania, Kentucky, Nova Scotia, and elsewhere, and by 1796 they had given almost fifty ministers for service abroad. In their peremptory zeal to meet foreign demands they, in 1760, enacted that young men who would not go at their bidding "were not to expect any further employment or encouragement from the Synod, either as probationers or students." The Burghers had similar missions. Nor were these only missions to Colonists. As early as 1763, the Anti-burgher Synod was contributing to a Fund for the evangelising of the Red Indians of North America. The Burghers that year took up a collection throughout the Church for that same object, and they gave cordial

* M'Donald's Civil Church Establishment, pages 217-221.

† Church History of Scotland, ii., page 406.

‡ M'Kerrow's History, page 384.

support to the London Missionary Society from the moment of its inception in 1795.* So did the Synod of Relief, and on 18th May, 1796, almost simultaneously with the Assembly's adverse Deliverance, it unanimously adopted the following :—

> "That all the members of this Synod shall encourage the laudable spirit of zeal which has been excited in various parts of the kingdom, to send the knowledge of salvation to the heathen nations, and shall unite their exertions with any society that may be formed to promote such a good and great design."†

The United Presbyterian Church, composed of these elements, won for itself a name beyond all other Churches in the kingdom for its missionary zeal. At the Missionary Meeting of its Jubilee Synod in 1897, Rev. James Buchanan, the Foreign Missionary Secretary, gave this summary :—

> "Fifty years ago we had thirty missionaries doing our work in the Foreign Field; now we have one hundred and fifty. We had then about forty small Congregations, formed of the converts of heathenism; now we have one hundred, and some of them large and vigorous and able to support themselves. Then we had between 4,000 and 5,000 members in our Native Churches; now we have upwards of 21,000. . . . . Fifty years ago the Church contributed between £3,000 and £4,000 for the work of extending the Gospel; during the year just ended, no less a sum than £51,000 has come into the Foreign Mission Treasury."‡

Dr. Woodside, after a careful summary of the efforts and achievements of the United Presbyterian Church in the Foreign Field, says :—

> "Altogether, if the size of the United Presbyterian Church and its relative material resources be considered, and if regard be had to the extent and varied character of its missions, as well as to the spirit displayed in originating them, it is entitled to

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* M'Kerrow's History, pages 275, 276, 385, 538, 575.

† Struthers's History of the Relief Church, pages 393-394.

‡ Jubilee Memorial, page 292.

be reckoned as a Missionary Church, and one not far behind the first Missionary Church in Christendom, namely the Moravians." *

The United Free Church has 542 Missionaries, including wives of missionaries, and her total Home Revenue for this cause was, in 1918, £129,916 4s. 9d. But perhaps the most striking illustration of the wholesome effect of the Voluntary System on the cause of Foreign Missions is the splendid lead now being taken by the United States of America, where the last available Report shows for the Protestant Churches there a total Home Income for Foreign Missions of £2,988,505.*

As to the effect on Foreign Missions abroad of the adoption of the principle of Religious Equality, it will suffice to give the following quotation, relative to India, from the Report adopted by the World Missionary Conference, 1910:—

"The vast majority of Indian missionaries approve of the principle of religious neutrality. Whatever temporary disadvantage may seem to accrue to Christianity from the restraints imposed on the official acts of Government and its officers is far more than compensated by the disentanglement of religion from politics, of the Christian Church from the British Government, of the universal claim of Christ from the temporary ascendency of any nation. The Church of India will be purer and stronger because its members are not the favourites and protégés of the British Government; its warfare will end the sooner in real victory because its weapons are spiritual."*

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* Woodside: The Soul of a Scottish Church, pages 112-113.

* Statistics of the Protestant Foreign Missionary Societies of the World for 1912.

* World Missionary Conference, 1910; Report of Commission, VII., Missions and Governments; Vol. vii., page 24.

CHAPTER XII.

DISESTABLISHED CHURCHES.

"It was as dark a day as ever I saw. The injury done to the cause of Christ, as we then supposed, was irreparable. For several days I suffered what no tongue can tell. And yet it was the best thing that ever happened to the State of Connecticut. It cut the Churches from State-support: it threw them wholly on their own resources, and on God."

—Dr. Lyman Beecher,
on "Disestablishment in Connecticut."

None have witnessed more strongly to the value of the Voluntary Principle than those who have passed to it from the State system.

1.—Ireland.

Twelve years after Disestablishment in Ireland, the *Irish Ecclesiastical Gazette* wrote:—

> "It is wonderful what Irish Churchmen have done for their Church during the past ten years, certainly more than for hundreds of years previously."*

At the Annual Meeting of the Ossory Diocesan Synod at Kilkenny in 1882, the Bishop said:—

> "No one could look attentively upon their Church's History during the last ten or twelve years, without perceiving that, with the good hand of God upon them, there had been a decided growth in all that was best, and purest, and most important. Never, in his recollection, had their Church been more clear or united in her testimony to Christian truth or more faithful in every good word and work." †

In 1892, the *Western Mail*, the principal Conservative newspaper of Wales, sent a special Commissioner to Ireland to investigate the subject, and he gives the testimony of the Archbishop of Dublin as follows:—

> "Had we received large subsidies from England at the time of Disestablishment, and had we seen reason

* 10th December, 1881.
† 4th July, 1882.

to expect more assistance in the future, the liberality of our own people would assuredly not have been stimulated as it has been, nor would they have been drawn in the same degree to their own Church by those feelings of loyalty and attachment which have been begotten by the very fact that they have made sacrifices on her behalf." *

In 1893, Dr. Peacock, the Secretary of the Hibernian Church Missionary Society, reported that the contributions of that Society—

"for the ten years immediately preceding Disestablishment—1860 to 1869—amounted to £62,385; and for the ten years from 1883 to 1892, to £83,325."†

And, most remarkable of all, the late Colonel Sanderson, M.P. for North Armagh, the staunchest of Conservatives, came to declare that he had voted against the Disestablishment of the Irish Church, but he would now undo that vote if he could :—

"For he believed the Irish Church at the present moment was stronger and more spiritual than it ever was before, and the very fact that they were not connected with the Church of England beyond the similarity of faith and worship enabled them to take a stand as a pure Protestant Church, and to make an appeal to those from whom they had been cut adrift."‡

2.—South Africa.

Testimonies crowd in on us from all parts of the world. In the discussion on "Church and State" in the Church Congress at Croydon, in 1877, Dr. Merriman, formerly Bishop of Grahamston, said :—

"I have been for thirty years a member of a Non-established Church which has had to solve most of the questions which have been mooted to-day according to the practice which was referred to yesterday, namely, *solvitur ambulando*. With respect to the Dissenting bodies, I must say that our relations towards them are very different from what they are in

* *Western Mail*, 8th November, 1892.

† *Church Times*, 3rd November, 1893.

‡ *Glasgow Herald*, 21st June, 1902.

this country. . . I would never say one word to assist, or raise one finger to forward, the Disestablishment of the English Church, but at the same time I would rather resign my ministry than again put my neck under the yoke of the Church as it exists in England."*

3.—Australia.

In Australia all State-aid to the Churches was eventually withdrawn in the several Colonies. *In New South Wales*, the Rev. John Dunmore Lang, D.D., a graduate of Glasgow University, ordained by the Presbytery of Irvine in 1820, combined the offices of Statesman and Ecclesiastic, and from his place in Parliament, where he sat for 26 years, he advocated the principle of self-support and the withdrawal of all State-aid to Religion; and at last, in 1862, came the abolition of all grants for ecclesiastical purposes.† Another staunch Voluntary was the Rev. William Hamilton, son of the Rev. Andrew Hamilton of Kilmarnock. He went out to New South Wales in 1837; and after the Disruption, though advocating neutrality for the Church of New South Wales as between the contending parties, he resigned his charge on conscientious grounds, and undertook a journey of 560 miles with his wife and four children into what was then the Colony of Australia Felix. But at the end of all his heroic labours and sacrifices for conscience sake, he was able to write:—

> "I have not found the Voluntary Principle too weak to sustain a Gospel Ministry even in the interior."‡

In 1867, five years after the State grants had been withdrawn, Mr. Anthony Forster wrote in his history of New South Wales:—

> "The necessity of self-reliance imposed upon the Churches has not injured, but benefited them to a considerable extent. Our Church has been stimulated by the efforts of another, and a healthy rivalry has been created, which has led to greater results in every

* Official Report, pages 305 and 306.

† Dr. R. Gordon Balfour's Presbyterianism in the Colonies, pages 87-92, and 108.

‡ Dr. R. Gordon Balfour's Presbyterianism in the Colonies, pages 105-106.

way than could have been achieved under a system of Religious Endowments. Since the abolition of the State grant in aid of religion in the Colony, the various Churches have not only been more vigorous and useful in their respective spheres, but the jealousies and animosities to which that grant gave rise have entirely disappeared, and the tone of Christian Society has been improved and elevated."*

4.—The West Indies.

State aid to Religion ceased *in Jamaica* in 1870. The *Record* of 12th August, 1881, reproduced a Table from the *Jamaica Churchman* showing a continuous increase in the ordinary income of the Church in Jamaica from £4,238 15s. 5d. in 1870 to £14,674 14s. in 1879. And at the Church Congress, at Newcastle, in 1881, Dr. Mitchinson, Bishop of Barbados, made a remarkable statement "as being probably the only man in the gathering who had practical experience of State-support and Disestablishment working side by side." He said:—

> "When I come to compare State-established Barbados with the Disestablished Windward Islands, I note that during the whole period of my administration of Barbados, though we talked much in our Church Council, we never succeeded in making one real distinct step forward in adapting ourselves to changing circumstances. In the Disestablished diocese of the Windward Islands, on the other hand, although there was strenuous resistance to Disestablishment on the part of the Clergy and a large section of the laity, when once it was a *fait accompli*, and we were brought face to face with the necessity of reconstruction and self-support, Church life did as a matter of fact develop itself with wonderful spontaneity; and I have no hesitation in saying that in the Disestablished Islands the education of each little Church in the ways in which the Church should legislate for itself, and provide for itself, was an unexpectedly rapid process." †

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* Foster's History of New South Wales; Case for Disestablishment, page 238.

† Official Report, pages 182-183.

5.—Canada.

In Canada, there were "Clergy Reserves" set apart by the British Crown under an Act passed in 1790 "for the support and maintenance of a Protestant Clergy." Disputes having arisen as to the words "a Protestant Clergy," the judges advised the House of Lords that they comprehended Ministers of the Church of Scotland and of other Protestant Denominations, as well as the Church of England; and the Reserves were thereafter assigned, one-third to the Church of Scotland, and two thirds to the Episcopalians.* The Free Church Synod, in 1844, put in a claim to the Governor-General for a share in these Reserves, but the claim was not allowed. A few years later, however, the Government had at their disposal some moneys arising from the sale of unappropriated Clergy Reserves as authorised in 1840, and these were offered to Churches or Congregations who might apply for them. The Free Church Synod now, however, refused in very significant terms to participate in these State Funds:—

> "The Synod, after careful consideration, declined the offered boon, partly because they objected to be parties to a system of indiscriminate endowment, and partly because they feared that their acceptance of these funds would tend to diminish the liberality of their people, and would place the Ministry of the Church in a state of undue dependence on the State." †

In 1853 the Imperial Parliament transferred the Clergy Reserves to the Canadian Legislature, which, the following year, passed an Act making them over to Municipal Corporations for secular purposes, due provision being made for life interests. No doubt hands were held up in horror at this most just proceeding, but in 1868 Rev. Edwin Hatch, Vice-Principal of St. Mary's Hall, Oxford, and formerly Rector of the High School, Quebec, wrote:—

> "The Church's apparent loss has been its real gain; the capitalisation of the commuted life-interests of the Clergy has furnished a more valuable, as it has

*Selborne's Defence of the Church of England against Disestablishment, pages 21-22.

†Dr. R. Gordon Balfour's Presbyterianism in the Colonies, pages 50-51.

certainly afforded a more secure, endowment than the possession of lands; and *the stimulus which has been given to voluntary effort has surpassed the most sanguine expectations.*" *

One of those who protested loudly against the Disendowment of 1854 was the Bishop of Ontario, who expressed his grief and sadness for the darkness and tribulation that were approaching to arrest the Church's onward progress. In 1869, however, he has another story to tell. He does not regret the part he took in opposing the Disendowment, for he still holds that what has been dedicated to God, cannot, without sin, be resumed by man, and applied to secular purposes; but he says:—

> "I candidly confess that I would not exchange the present condition of the Canadian Church for her condition as an Endowed Establishment."

And he adds:—

> "The Church possesses a salient spring of life when she falls back on first principles, and surely she has some grounds for thinking that principles which in the first three centuries conquered the conquerors of the world, can do so again if necessity requires." †

6.—The United States of America.

In the Constitution of the United States it is provided that—

> "Congress shall pass no law respecting an Establishment of Religion, or prohibiting the free exercise thereof."

This, however, did not prevent for a time a form of State Religion prevailing in certain of the States. Independency was endowed in New England; Episcopacy in several of the Southern States. Bancroft, the historian of the United States, described the stern struggle that took place in some of these States ere unjust privilege was overthrown. In these struggles the Presbyterians were mostly to the front:—

* "Macmillan's Magazine," October, 1868, page 454; Article—"A Free Anglican Church," pages 449-460.

† Speech of the Bishop of Ontario at a Canadian Missionary Meeting, 19th January, 1869. See Parkinson's State Churches, pages 331-332.

"The rigid Presbyterians proved in America the supporters of religious freedom. They were true to the spirit of the great English Dissenter who hated all laws that were formed—

'To stretch the conscience, and to bind
The native freedom of the mind.'"

Peculiarly keen was the struggle in Connecticut. Dr. Lyman Beecher trembled for the Ark of God. Dr. Timothy Dwight, the famous president of Yale College, thought the foundations of religion were giving way. He maintained that for the continued maintenance of the Christian Religion in a country, the aid of the Magistrate was both proper and necessary.* But such were the results of Disestablishment in Connecticut, that Bancroft says:—

"The complete separation of the Church and State by the establishment of perfect religious equality was followed by the wonderful result that the separation was approved of everywhere, always, and by all."†

7.—France.

It was in 1905 that Disestablishment took place in France. Three years later Dr. Merle D'Aubigné wrote as follows to the *British Weekly*:—

"The Protestant Churches, Reformed and Lutheran, as well as the Roman Catholic, have been disestablished and disendowed. That meant for us a loss of no less a sum than £60,000 a year, and will mean in future very much more. It was gravely questioned amongst us a few years ago, whether our Churches could bear the strain of that loss. Now, what has been the result of Disestablishment? Not only have our Home and Foreign Missions, our Bible Tract, Sunday School, Temperance, Young Men's and Young Women's Societies, our innumerable Charitable Institutions—for which we spent an aggregate sum of £200,000—continued their work just as before, but our people have added to that £80,000 in 1907 for the support of their Church." ‡

* Dr. Dwight's Travels, Vol. IV., pages 388-399.
† History of the United States, Vol. IX., page 274.
‡ *British Weekly*, 13th August, 1908.

CHAPTER XIII.

A GRAVE CRISIS.

"I regard the question practically as being a question about our continuing Free Churchmen, that and nothing less."

—Principal RAINY,
Assembly Proceedings, 1875, page 120.

IN 1907, the General Assembly of the Church of Scotland received Overtures from the Presbytery of Edinburgh and other Presbyteries on the subject of Union, and of co-operation meantime, with the Presbyterian Churches. These were remitted to a Committee, and in accordance with their recommendation the General Assembly of 1908 addressed an invitation to the other Presbyterian Churches in Scotland to confer as to co-operation in their work at home and abroad. After due consideration through the year, the Assembly of the United Free Church in 1909 made answer that while co-operation in Foreign Missions was already in existence, co-operation at home could not be effective until the causes which hindered Presbyterian reunion had been removed. In their Deliverance upon this reply, the General Assembly of the Church of Scotland declared—

> "their readiness to enter into unrestricted conference with their brethren of the United Free Church of Scotland on the existing ecclesiastical situation, and on the main causes which keep the Churches apart, in the earnest hope that by God's blessing misunderstanding and hindrances may be removed, and the great object of Presbyterian reunion in Scotland be thereby advanced."

Invitations for conference on former occasions had always been made conditional on the maintenance of the Establishment. Thus the invitation of 1878 expressed the Assembly's hearty willingness and desire to take all possible steps to promote co-operation and reunion, *consistent with the maintenance and support of an Establishment of Religion, and the sacredness of the ancient religious Endowments.*

But in view of the altered terms of the present invitation it was accepted by the United Free Church, and both Assemblies that year appointed Committees—

> "to enter into unrestricted conference on the existing ecclesiastical situation, and on the main causes which keep the Churches apart."

After negotiations extending over ten years, but almost entirely suspended during the period of the War, Draft Articles declaratory of the Constitution of the Church of Scotland in Matters Spiritual were submitted to both Assemblies on 27th May, 1919, along with a Joint Statement showing the bearings of these Articles on the Independent Government of the Church, the position of other Churches, and the National Recognition of Religion. Statements were also submitted, though not jointly, as to State Endowments. The Assembly of the Church of Scotland directed its Presbyteries to report before 30th November, 1919, whether they approved or disapproved of the Draft Articles as the basis of an approach to the Government; appointed a special meeting of the Commission of Assembly to be held in December, 1919; and empowered the Commission, in case the majority of Presbyteries signified their approval, to authorise the Committee to approach the Government in regard to the legislation necessary with a view to Union, and to report the result to next General Assembly. The General Assembly also directed the Committee—

> "before finally adjusting with the Government any scheme for rearranging the Endowments through a Parliamentary Commission or otherwise, to submit such schemes for the consideration of the General Assembly."

In making this approach to Parliament three stipulations are submitted on behalf of the Church of Scotland:—

1. "That they would not be prepared to approach Parliament with proposals for legislation without some assurance that if this legislation was obtained the United Free Church would be willing to unite with the Church of Scotland."

2. "That they would not proceed with the matter

unless assured not only of the goodwill of the Government, but of such Government support as would secure the Parliamentary time necessary for the consideration of the Bill."

3. "That the measure would be simply an enabling Act, only to come into operation if and when the General Assembly of the Church adopted the Articles." *

Having thus explained the procedure, we proceed at once to show our objections to the whole Scheme.

1.—It prematurely and unwarrantably holds the United Free Church as already committed to Union.

It virtually forecloses and determines the question of Union before it has been submitted to the Inferior Courts, or definitely considered by the Congregations of our Church. It is true that the removal through legislative action of the obstacles specified would not unite the Churches, but the Church of Scotland is approaching the Government solely to secure "the legislation necessary *with a view to Union;*" they would not go at all unless they were assured that, this legislation obtained, the United Free Church would be willing to unite with the Church of Scotland; and so the fact of their going is an advertisement to the world that they consider they have received such an assurance. They put it very definitely in their Report:—

> "That the representatives of the United Free Church understand this position, and whilst recognising that both Churches must retain full liberty in negotiation of a union, they, it is understood, agree that the Church of Scotland may proceed on the understanding that if legislative proposals on the lines indicated are given effect to, all serious obstacles to union will, in their view, be thereby removed, *and it will be the duty of both Churches to proceed to adjust the details.*" †

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* Church of Scotland Report, 1919, pages 2, 17, 18, and 19.

† Church of Scotland Report, 1919, page 17.

The critical fact is that they declare :—

> "The Articles have been accepted by the representatives of the United Free Church as forming *a satisfactory basis of Union.*"*

Now it may at once be said, without fear of challenge or contradiction, that neither in Committee or Assembly of our Church have the Articles ever been approved as a Basis of Union. There have been general references to the brightening prospects of Reunion, but the Articles have been approved, never as a Basis of Union, but only in their bearings on spiritual freedom. Thus last General Assembly cordially welcomed the Articles—

> "as setting forth a full and adequate statement of the inherent liberties and powers in matters spiritual which the Church has from Christ, its Divine Head, as subject to Him alone."

After further reference to the Articles and the Endowments, the Deliverance goes on :—

> "The Assembly do not feel called upon at this stage to make any more definite pronouncements, reserving further expressions of its opinion till the proposals of the Church of Scotland, with the terms on which the State is prepared to grant these, are made known."

As for consulting the Presbyteries, Kirk Sessions, and Congregations of the United Free Church, the reference is of the vaguest :—

> "The Assembly also resolve to publish and circulate the Report of the Committee, empowering them to take such means as they may judge advisable to make it fully known throughout the Church, and by Deputies, if desired, to meet with Presbyteries and Conferences of Office-bearers and Members to explain the present situation." †

No call for returns from Presbyteries approving or disapproving of the proposals, not a word as to whether Kirk-Sessions and Congregations are to have a definite say in this vital matter ! And yet we are held committed

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* Church of Scotland Report, 1919, pages 15 and 16.

† Assembly Proceedings, 1919, page 252.

to go on without knowing at all how the Church of Scotland will emerge from Parliament, whether as an Established and Endowed Church as her ministers declare, or as a really Disestablished and Disendowed Church as so many of ours maintain. It is like attempting to proclaim the Banns without knowing the name of the lady. Thus Principal Cairns:—

> "Till the State has withdrawn you cannot tell what is to be united. This new Church of Scotland with which we are asked to unite does not exist at present. Bodies that are to be united must stand clear outside of each other. The Church of Scotland must have its definite historical place as a separate and independent because disestablished Church, with all questions as to its Endowments and other arrangements settled, before the other Churches can take up the question of union. I have seen too much of the difficulties of union, where the individuality of the Churches was round and clear, to attempt it. Otherwise we should lie open to the remark of Lord Brougham, in regard to the old Scottish system of marriage, that under it one might be married, he did not know when, he did not know where, he did not know to whom."*

2.—It brings in the State to Stabilise Doctrine.

The first part of Article VIII. of the Draft Articles reads as follows:—

> "The Church has the right to interpret these Articles, and, subject to the safeguards for deliberate action and legislation provided by the Church itself, to modify or add to them; but always consistently with the provisions of the first Article hereof, adherence to which, as interpreted by the Church, is essential to its continuity and corporate life." †

And so in the Concordat with the State, the Church permanently binds herself to the first Article, reserving to herself the power not to modify or add to it, as she may do

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* MacEwen's Life of Cairns, page 620.

† See Appendix IV. of this Book.

with the other Articles, but only herself to interpret it. If, therefore, the Church should come to think that her statement of vital truth as contained in Article I. is no longer full or adequate, she will have to do one or other of two things. She can go to Parliament with a new Draft Article to replace the old, and if Parliament has made the same progress in the faith that the Church has done, and if political exigencies are favourable, she may get the new Article, and bind herself and the State to it as fast as to the old. Or, in the second place, she may pass a Declaratory Act giving her interpretation of its substance. In this way she may take the risk of making it mean something altogether different, something the very opposite of what it plainly reads. And the State may have something to say to that. Thus in the course of the Free Church of Scotland Appeals, 1903-1904, referring to a Clause of the Declaratory Act of 1892, Lord Davey said to Counsel—"It may be said, you know, that that is construction;" to which Mr. Salvesen (now Lord Salvesen) replied:—"Yes, if it is *bona fide* construction, I think it would be within the power of the Church to interpret, but if it is really abrogation or destruction of the Confession of Faith, I submit it is entirely beyond the power of the Church."* At the very time when we thought to be rid of embalmed Creeds with Declaratory Acts attached, and to have a simple creed speaking out straight the Church's mind and alterable at her will, we are thrown back into the old discredited system, of which Edward Miall said in the House of Commons:—

> "Is there no other way by which we can obtain freedom of thought than by first pinning down the professional exponents of that thought to ancient creeds, formularies, and articles of religion, and then loosening the pin by strained interpretations of their purport?" †

But it may be said that Article I. is unexceptionable. On the contrary, in the opinion of many of the United Free Churchmen who are supporters of the Union, it is not

* Free Church of Scotland Appeals, page 324.

† 3 Hansard, ccxvi., page 27; Speech on 16th May, 1873.

an adequate or worthy statement of the central Christian truths. But grant that it is as perfect as it can be made; would we therefore be justified in counting it final? Cowper says of the Bible:—

> "It gives a light to every age,
> It gives, but borrows none."

But the Bible does borrow new light from each succeeding age. In his last sermon to the Pilgrim Fathers at Leyden, in 1620, John Robinson said:—

> "He was very confident the Lord had more truth and light to break forth out of His Holy Word."*

The Preface to the Old Scots Confession of Knox and his coadjutors ran:—

> "Protesting, that if any man will note in this our Confession any article or sentence repugning to God's Holy Word, that it would please him, of his gentleness, and for Christian charity's sake, to admonish us of the same in writ, and we of our honours and fidelity do promise unto him satisfaction from the mouth of God; that is, from His Holy Scripture, or else reformation of that which he shall prove to be amiss."†

But if the wording of Article I. be found to be amiss we must go to Parliament to change it. Such a curtailment of freedom and spiritual power conflicts with the unfettered liberty we claimed in 1905. That great Charter, safeguarding the living and moving faith and freedom of the Church, is not consistent with having our principles crystallised in statutory enactments.‡ This inbringing of the State to stabilise doctrine is an old notion of the Defenders of Church Establishments. Thus Earl Selborne:—

> "The relations between the Church of England and the State, which constitute the Establishment of the Church, are in their true nature *securities taken by the State against possible excesses of uncontrolled ecclesiastical power.*"

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* Silvester Horne's Popular History of the Free Churches, page 81.

† Lindsay's "Reformation," page 117.

‡ See Appendix III. of this Book.

And again :—

> "The results go far to justify a state of the law which does not leave that power, uncontrolled and irresponsible, in the hands of bodies which might sometimes be *too much influenced by temporary excitements and passing gusts of opinion.*"*

What is this but to commit the keeping of the form of sound words, the deposit of the truth, not to Timothy but to Cæsar; it is to make the State, and not the Church, the pillar and ground of the truth. Surely the truth does not need such buttressing as this. In the House of Commons in 1772, Sir George Savile spoke of those who must have barriers about the Church of God, and he exclaimed :—

> "Barriers about the Church of God, sir! About that Church which, if there be any veracity in Scripture, shall continue for ever, and against which the gates of hell shall not prevail! If I may be allowed on so serious an occasion to recollect a fable, it puts me in mind of one which I met with, about a stately, magnificent, impregnable castle, built upon a rock, the basis of which was the centre of the earth. The top of it pierced the clouds, and the thickness of the walls could not be measured by cubits. At the bottom of it a few moles were one day very busy in raising a little quantity of earth, when some mice said — 'What are you doing to disturb the tranquillity of the lord of this earth.' 'We are not disturbing his tranquillity,' said the moles; 'all blind as you are, you may see that we are only throwing up a rampart to protect his castle.'" †

We do not need to tie our doctrines, or our Church, in any such way as is proposed. The striking words used by Principal Candlish in 1870 are as applicable to doctrine as to questions of Church and State :—

> "I do not want, like the martyrs of Wigtown, to be tied to a stake amid the swelling of the Solway;

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* Selborne's Defence of the Church of England against Disestablishment, pages 74, 77.

† Hansard's Parliamentary History, xvii., 292; Speech on 5th February, 1772.

but to be free for myself to take a place of safety, where I may look around, look forward, and look back. Maintaining my identity as a Church, maintaining all my principles, I desire to stand upon the footing of what things are at present. I will not consent to send down the Church to posterity, tied to 1843. I insist upon our being allowed to look at things now from the standpoint of 1870." *

3.—It puts an Embargo on Christian Progress.

The second part of Article VIII. reads :—

"No alteration of or addition to these Articles shall be made until the proposed alteration or addition has been transmitted by the General Assembly to the Presbyteries of the Church, and has obtained the consent of a majority of two-thirds of the whole of the said Presbyteries in two immediately successive years, and in case in either year the requisite majority is not obtained, the same or a similar proposal shall not be again transmitted for the consent of Presbyteries until an interval of five years after the failure to obtain the requisite majority has been reported to the General Assembly." †

This provision is absolutely fatal to progress. In Article II. the Westminster Confession of Faith is embodied as the principal subordinate standard of the Church of Scotland; and the Clause above quoted is an all but impassable barrier to the substitution for the Confession of a simpler Creed, or what Dr. Denney called a Uniting Confession. In the United Free Church, an Overture on the Diaconate was sent down to Presbyteries in 1918. It was almost universally approved; yet, because so many Presbyteries made no returns and three disapproved of it, there was only a bare two-thirds majority even for that Overture. Here you must have two-thirds in two immediately successive years, and, in the event of failure, an absolute block for a period of five years. The need for a

* The Church of Scotland, Her Divisions and Her Re-unions, by Dr. C. G. M'Crie, page 274.

† See Appendix IV.

simpler creed is clamant. What was once the testimony of a few solitary voices is rapidly becoming the irresistible demand of the whole Church. In his "Liberty of Prophesying," published in 1647, Dr. Jeremy Taylor urges that beyond the Articles of the Apostles' Creed nothing is fundamental, and few things are certain, in Christianity; and that Churches should form no larger standards of Faith, and are guilty of Schism if they enforce them.* Richard Baxter in his "Reformed Pastor," published in 1656, calls upon us to keep by the greatest, most certain, and most necessary truths. He declared against binding men to elaborate and minute Creeds, which he counts but engines to rack and tear the Church of Christ, and split it into fragments. The Bible itself he counted a sufficient Creed Book, and he declared that nothing beyond it must be imposed on others. He would not have the door of the Church narrower than the gate of Heaven. We would only get peace by returning to the ancient simplicity of the faith. And in a noble passage he says:—

> "He that shall live to that happy time when God will heal his broken Churches, will see all this that I am pleading for reduced to practice, and this moderation take the place of this new-dividing zeal, and the doctrine of the sufficiency of Scripture established; and all men's confessions and comments valued only as subservient helps, and not made the test of Church Communion any further than they are the same with Scripture." †

And now Dr. Denney's great plea for a simpler Creed and for full intellectual liberty comes as a challenge to the Church, and the Church must be free to address herself to it. He suggests that the symbol of the Church's unity might be expressed thus:—

> "I believe in God through Jesus Christ His only Son, our Lord and Saviour." ‡

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* Works V., pages 483 to 533.

† "The Reformed Pastor" (Religious Tract Society Edition), pages 109, 124, 181.

‡ Dr. Denney's "Jesus and the Gospel," page 398; see pages 373-411.

Further, the Second Article defines the government of the Church as Presbyterian. Now, in Canada, they are completing a Union between Presbyterians, Methodists, and Congregationalists; and similar movements are taking place in Australia and New Zealand. In Australia, the Canadian basis of Union was adopted, with slight modifications, by the negotiating Committees in September 1918; and, later, the Federal General Assembly adopted the Basis of Union and sent it to State Assemblies and Presbyteries, asking them to approve or disapprove of Union on its terms. It was further resolved that in the event of a majority voting approval, the Basis should then be submitted to Sessions and Congregations. These larger Unions make their appeal to many of us, and why should we begin by setting up impassable barriers against such an event?

It is fair to say that, in reference to the strong opposition to this Clause on the part of the United Free Church, the Church of Scotland at last Assembly, in sending down the Articles, intimated that Presbyteries were to understand that, subject to the recognition of the principle of a two-thirds majority, the Committee would adjust the details of the special *safeguards* in Article VIII. in the light of any suggestion from Presbyteries or from the Committee of the United Free Church, and submit the same for approval to the Commission. Accordingly the Commission on 17th December adopted, in place of the latter part of Article VIII., an Alternative Clause, making plain that, of the two years referred to, the first would be a consultative year and the second a legislative year; but there still remains the two-thirds majority, the two successive years' approval, and the five years' interval in the case of failure. *

Those who put the Clause there have been able to retain it in all its reactionary substance. It is a triumph for stagnation; a five-barred gate erected and locked fast against all the progressive and advancing forces in either Church; and, for the United Free Church, a fatal price to pay for Union.

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* "Glasgow Herald," 18th December, 1919.

4.—It anew Wrongs other Christian Churches.

According to the statement of the conferring Committees, it is not proposed to secure at this time for other Churches the full freedom that is to be conceded to the Church of Scotland. It is explained that that general question could not well be dealt with except upon the initiative of these other Churches themselves.* Those, however, who remember the grand irrelevance of Clause V. will think that this difficulty might have been transcended. There is no pretence of equal treatment to all Churches. The great words "Religious Equality" do not occur in the whole Report, nor is the supreme thing they signify there at all—only a transparent confession of the obtruding inequality, as in these words:—

> "At the same time the recognition of the Articles by the State secures to the Church (see especially Article IV.) the continuance of its independent government and jurisdiction, and even, *it is hoped*, may facilitate the recognition, by the civil authority, of other Churches also as branches of the Church of Christ, a result which would be in harmony with that principle of national homage to Christ on which the reunited Church of Scotland would found its own claim." ‡

If the other Churches are in this unemancipated condition, then the duty of the Church of Scotland and of the United Free Church is something far other than the self-centred purpose of the present mission to Parliament. If there is to be a Parliamentary Declaration of Freedom, let your Edict of Emancipation run for all Churches—for all, or for none. It is intolerable that the Church enjoying high privileges of State is to have the largest freedom; and that the very Churches that have paid the price for their liberty, and are most entitled to freedom, are to be the last to have it owned and recognised, and are to be

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* United Free Church Report, 1919, page 6; Church of Scotland Report, 1919, page 29.

‡ United Free Church Report, 1919, page 7; Church of Scotland Report, 1919, page 30.

left severally to contend afterwards for what is now to be conceded to the Church of Scotland, and to it alone. If a State declaration there must be, let it run that all Churches are entitled to equal privilege and equal freedom. Your hope that what you do will indirectly and remotely benefit other Churches is likely to prove a delusion. Dr. Taylor Innes says:—

> "When a right is inherent in the Church of Christ, and, therefore, in all Churches, it is perilous to speak of it as a privilege of one Church and a characteristic of it." *

Let us not be of those "whose love of right is for themselves, and not for all their race." Let us not incur the censure of Russell Lowell's great words:—

> "Is true Freedom but to break
> Fetters for our own dear sake,
> And with leathern hearts, forget
> That we owe mankind a debt?
> No! true freedom is to share
> All the chains our brothers wear,
> And with heart and hand to be
> Earnest to make others free."

And were the situation as is here portrayed I should know which part to choose. I should go and join me to the weaker part. I should rather have the lower freedom than the higher in such a case. I should rather suffer the wrong than go with a Church that seized freedom for itself, and left the other Churches to scramble for it as best they could, and win it for themselves by and by. In the words of William Cowper:—

> "No: dear as Freedom is, and in my heart's
> Just estimation prized above all price,
> I had much rather be myself the slave
> And wear the bonds, than fasten them on him."

But indeed, as we shall see, the Dissenting Churches are in no such unemancipated and fettered condition as is here supposed. They are in a higher and better position in respect of freedom than any State Church can ever be, and they neither need nor desire that any free Constitution should be made, or declared, by Parliament on their behalf.

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* Law of Creeds, page 146.

We no more want a Parliament-sanctioned Constitution for the Free Churches than we want a written Constitution for the British Empire. When you define liberty, you delimit liberty. Yet it is not only in the matter of freedom that the Church of Scotland seeks to mount a pedestal higher than the platform of the other Churches. There are the State-privileges that the Ancient Statutes confer. There are the Endowments that in one form or other the Church of Scotland is to bring into the United Church. There is a clause in the United Free Church pronouncement on State Endowments that—

> "it might be provided that any surplus of the 'Teinds' or 'Unexhausted Teinds' not made over to the Church of Scotland shall not be secularised or *bestowed in endowments.*"*

This has been explained to mean that there is not to be concurrent endowment. It is a needless precaution so far as the main Bodies of non-Presbyterian Protestant Dissenters in Scotland are concerned, for to their honour they would never accept State Endowments. And then, further, highest pedestal of all, the new Church is to have all the prestige of a National Church. While it is maintained that the larger freedom given to the Church would enable it to reduce the existing inequalities in distribution of Congregations and resources relatively to the population, and so to remove the appearance of competition and rivalry, yet the Church claims as a National Church, both now and when it is to be reunited, a special and exclusive religious responsibility for every Parish in Scotland, even though the Parish be fully provided by the Gospel Ordinances of Dissenters. Thus Clause III. of the Articles:—

> "As a national Church representative of the Christian Faith of the Scottish people it acknowledges its distinctive call and duty to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry." †

We do not imply that the place of the Dissenting Churches is not recognised in the Scheme. Chalmers, as a State Churchman, gave Dissenting Churches a very

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* United Free Church Report, 1919, page 10.

† Appendix IV.

honourable, if somewhat amusing, function. By their energy and example they were to stir up the Establishment:—

> "It is of the very highest importance to have an active, unrestrained, and fully tolerated dissenterism. This latter will never, we think, supersede an Establishment; but it may *stimulate that Establishment to a ten-fold degree of effectiveness*....The benefit which they have wrought, by their wholesome reflex influence on the Establishment, is beyond all computation. . . . These two rival interests act and react for the good of a population—so that the perfection of an ecclesiastical system lies in *the ample endowment of the one, and the ample toleration of the other.*" *

And so, in our Reports, it is resolved to take away the exclusiveness of those expressions of the Ancient Statutes that there is "na uther face of Kirk . . . within this Realm," and it is suggested that a Statutory Disclaimer be obtained from Parliament to some such effect as this:—

> "Nothing which is contained in this or any other Statute dealing with the Church of Scotland shall be construed to the prejudice of the recognition of any other Church in Scotland as a Christian Church protected by law in the exercise of its spiritual functions." ‡

This Clause will be read by Dissenters with a scornful wonder. In place of giving them equal rights, we recognise them as good Christians, not to be disturbed in doing their work. We give one Church the badge of ascendency and supremacy, the note of a dominant Church. We secure it in privilege, prerogative, preferment. We make the others suffer in property, in prestige, in privation of their just rights; and then we say they are entitled to all protection as Christian Churches with spiritual functions. It is like doing violence to a man, and then telling him that of course you own him as a brother Christian entitled to the protection of the law. And so the Church that obtains the *ample endowments* secures for

* Select Works, Vol. XI., On Endowment, page 79-80.

‡ United Free Church Report, 1919, page 6; Church of Scotland Report, 1919, pages 29 and 30.

the other the *ample toleration*. But there is no resting place even in the most generous toleration. Thus Dean Alford :—

> "Meantime toleration, which at first seemed payment in full, began to be spoken of as a mere instalment of what was due. Nothing so common a complaint with the votaries of exclusiveness, as that every concession leads to fresh demands; and nothing so true. Till the great principle conceded be in every detail practically recognised, there can be no resting-place."*

Little, surely, do our Church negotiators know of the signs of the times, little of the spirit of the age in which we live. For that day is now come which Lord Stanhope foretold in 1811, when opposing Lord Sidmouth's Bill for restricting the liberty of Dissenting ministers :—

> "*The time was when Dissenters sought for toleration as a favour. Presently they demand it as a right; and the time will come when they will reject it as an insult.*" †

5.—It means the Extinction of the United Free Church.

It will be said that at any Union the old Churches pass away, and are merged in the new. Still the traditions live on, and the principles, and the spirit, as happened, or we thought had happened, in 1900. But in this case the first thing you do, if you retain Establishment, is to split the United Free Church in twain from end to end of the land. Even did you succeed, which you never will, in carrying the mass of our people into an Establishment, there can be, as we will show later, no Union on equal terms with a State Church. There is absorption, not Union. The State Church lives; the Voluntary Church dies.

> "Fareweel to a' our Scottish fame,
> Fareweel our ancient glory."

More than that, our Churches have been maintained all over Scotland that they might serve a distinctive purpose.

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* Essays and Addresses, by Henry Alford, D.D., Dean of Canterbury, Article VII., "The Church of the Future," pages 161 and 162.

† 1 Hansard, xx., pages 250 and 251; Speech of 21st May, 1811.

The moment you declare that that purpose is at an end, and that we are one with the Establishment, the whole motive of maintaining our Congregations lapses; and however you may pool your State Endowments and share them between the two sections of the Church, the whole financial advantage will lie in most Parishes with the old Parish Church, and the tendency will be to eliminate the old United Free Churches. It is sufficient on this subject to close with the words of Dr. Rainy:—

> "We must consider how the evangelical life which exists in the country is to be safeguarded amid the combinations we plan. And there are many grave reasons connected with that supreme interest which rise to my mind in connection with many of these Schemes." *

* Carnegie Simpson's Life of Rainy, ii., page 75.

CHAPTER XIV.

ALLUREMENTS.

"You will only have a course of things inaugurated in which men will have just reason to complain of the process of wheedling them out of their principles, and luring them into dubious and ambiguous positions."—PRINCIPAL RAINY.*

WE pass on to consider some of the arguments and inducements that are put forward to commend the Union proposals to us.

1.—That the Spirit of the Times Demands it.

The War has brought with it a new incidence and a new perspective, and many declare themselves impatient of such questions and divisions as are represented in the controversies of the Scottish Churches. In 1917, one of our ministers, then at the Front, wrote home declaring the sentiments expressed in our Church and State Report to be remote, unreal,—

> "even pernicious to the young manhood of our native land, who fight and suffer and die for Bonnie Scotland, and the righteousness expressed by that wonderful land."

But, surely, the Bonnie Scotland for which men were found willing to suffer and fight and die, is a Scotland that has been made great by its Secessions and Disruptions, and by its long and historic struggles for spiritual independence, and for religious equality and civil justice. The men who were at the Front stood and stand for frankness in word and act. They desire us to speak out our minds, and stand by our principles. And they themselves have come home to see wrongs righted, to see justice done; not to re-establish old wrongs and injustices on a new basis. Moreover, the appeal to the catholic sentiments of the men at the Front proves too much, as it would provide an argument for Union not only with the Church of Scotland, but also with Episcopalians, and even Roman Catholics.

We live in a time of vast changes, but we are not,

* Assembly Proceedings, 1877, pages 185 and 186.

therefore, amain to cast all things into the melting pot. This has been very finely expressed by Principal Henderson in another connection :—

> "Proceeding, he said that whatever reconstruction, which was a fashionable word, might be found needful, it could not be required that everything be cast into the melting pot. There were things that would remain, because they could not be shaken, and they had to be jealous lest they hazard that which had been entrusted to them by hastily casting aside what past experience had proved, because some were impatient of it." *

The State is taking on new functions in many spheres, and men say, When so many things are being nationalised, why leave Religion, the highest interest of all, entirely out of the province of the State? But, when the State is undertaking vast new responsibilities, there is all the more reason for discriminating closely as to its real province, and "ridding the marches" as between the individual and the national sphere.

We are told that in this new time we must get away from the old catch-words. We must not speak about Establishment or Disestablishment :—

> "Our lips are now forbid to speak that once familiar word."

We are warned against repeating the old shibboleths, but in Scripture story it was the men who could and did repeat the shibboleth who survived. Those who could not or would not repeat it, perished all to the number of forty and two thousand.

2.—That Establishment means little after all.

It has long been a habit of the defenders of Civil Establishment to declare that Establishment means nothing at all, and that the injustice, if any, is slight and almost imperceptible. And we of the United Free Church are only beginning to learn the language of defenders of privilege in all ages. Lord Halifax said :—

> "The Church of England was never established

* Address at Induction of Professors; *Glasgow Herald*, 19th June, 1919.

by Parliament. It was in possession of the country before Parliament existed; neither was it endowed by Parliament." *

The Society for the Propagation of Christian Knowledge issued a Pamphlet entitled: "The Church of England not Established by Law and not Endowed by the State." There is no Established Church, say they, to be disestablished; or, if any Church be established, all Churches are established alike. They tell us that Established Churches do not cost dissenters, do not cost the country, a single farthing. As for the supposed wrong, it is declared to be only a "sentimental wrong," hurting "only the fancy of those who object to it." These invisible wrongs may be small to those who inflict them; they are very real to those who suffer them. We have not counted them for nought in our country Parishes; and they will be as real to others, when we inflict them, as they were to us when we had to endure them. It is the little, invisible, and almost nameless things that drive the iron into the soul. We shall show in the next chapter that the grievance is massive and protrusive. But let its dimensions be what they may, and let custom refine away the sense of irritation, no usage can ever condone a wrong, no prescription ever sanctify injustice. The longer it has been held, the greater the injury, and the more urgent the call to bring it to an end. It is about small matters that the great world battles have taken place. When Dean Stanley came to Scotland in 1872 to deliver his "Lectures on the History of the Church of Scotland," he held up to ridicule *the pettiness* of the principles, *so called*, of our Scottish Church controversies, and belittled the various Covenanting, Seceding, and Disruption principles and sacrifices. In his historic reply to Dean Stanley, Dr. Rainy instanced the men who resisted the raising of taxes in England without the consent of Parliament, and he said:—

> "Would it be thought well in a historian to say of those who died in that quarrel, that they threw away their lives for a matter of half-a-crown, perhaps, or five shillings?—for the question, whichever way decided, was never like to concern them to

* Address as President of the English Church Union, 1886.

more than that amount. Do we not honour the men who stood for a principle that concerned the destinies of England, all the more because their personal stake was small? Did not these men do well to judge that, if the sum was small, the principle might be great? But I say fearlessly, which was the nobler cause, or if you will, which was the nobler nation—the nation that fired at the thought of taxes raised by power without the consent of Parliament; or the nation that fired at the thought of worship thrust in by force without the consent of the Church?" *

The Case for the Dissenters of Scotland, as presented to Parliament in 1835, in opposition to the claim for further endowments for the Church of Scotland, bore—

"that the smallness of the sum which the Church of Scotland may submit to ask at present is no mitigation of the measure, for, although the same may be small, the principle is great; and, if the sum be small, so much the more shameful is it to force any portion of it, by legal compulsion, out of the pockets of dissenters, who not only support their own institutions, without asking anything from the State, but are active in diffusing the Gospel at home and abroad." †

It was for a sum of £3 0s. 6d. that Dr. John Brown resisted the Annuity Tax in Edinburgh in 1837; and against a Church Rate of 1/9 that John Bewley stood out in 1840. The Covenanters died for trifles. A "God save the King" would have delivered them. A little Cess Tax, and their life was theirs. It was for trifles that James Renwick, last and one of the noblest of our martyrs, lion in God's cause and lamb in his own, mounted the scaffold in the Grassmarket of Edinburgh in 1688, leaving us this legacy in one of his great sermons:—

"To you, who are standing to your duty, keep your ground, lose not an inch; seek for Moses' spirit, who would not quit to Pharaoh a hair or hoof of that which belonged to the children of Israel; what belongs to the Lord quit nothing of it, though ye shall all

* Rainy's "Three Lectures on the Church of Scotland," Second Edition, page 37.

†M'Kerrow's "History of the Secession," page 748.

lose the head for it. . . I say, O beloved, quit nothing; for the more you quit the less strength you have to hold what remains." *

3.—That the Articles give perfect Security to the Church.

It is to be noticed that the Law Courts have never denied to the Church a province of her own in which her independence is fully recognised. The most Erastian Judges conceded that at once. † So did the most hostile Statesmen. Sir Robert Peel said in the House of Commons in 1843:—

> "We all admit that to the Church belongs the exclusive jurisdiction in ecclesiastical matters." ‡

All the dispute was about the boundary line, the "No Man's Land," between Church and State. James VI. made it his business to "rid the marches" between the two jurisdictions of Church and State, declaring it belonged to the King to judge when preachers wandered from their text.** Chalmers said in 1842:—

> "The other is a boundary question—*the only proper one between the two parties*—the line of demarcation between the civil and the ecclesiastical." ††

And the State always claimed for herself, as with a State Church she always will claim, the power to define her own and the Church's domain. And that is where we still are. It is stated jointly by the two negotiating Churches:—

> "The Church and the State have the right to determine each for itself all questions concerning the extent and the continuance of their mutual relations in the discharge of these duties and the obligations arising therefrom." ‡‡

At the General Assembly of 1919, the Rev. M. Bruce Meikleham, referring to this statement, asked—"If the

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* Sermons by James Renwick, page 81.

† See Chapter xviii. of this Book.

‡ 3 Hansard lxvii, page 498; Speech of 8th March, 1843.

** Brown's Church and State in Scotland, pages 88 and 89.

†† Memoirs of Dr. Chalmers, vol. iv., page 283; Letter of 10th April, 1842.

‡‡ United Free Church Report, 1919, page 7; Article vi. of Draft Articles. See Appendix iv. of this Book.

Church determined one way and the State another, how was the matter to be settled?" To which Principal Henderson replied:—

> "In such an event it could only be settled on the part of the Church by its sticking to its belief as to Christ's duty, and the State doing its duty according to its light; and whether the State proceeded to persecute the Church or not, he was afraid the Church had no other remedy. *

It is strange, after all that has happened, that we should still put such faith in parchment securities. In the past the Church had the most perfect guarantees of her liberty. In 1592, there was passed the famous Act, entitled, "Ratification of the Liberty of the True Kirk," in which were "abrogated, cassed, and annulled—

> "all and whatsoever acts, laws, and statutes made at any time before the day and date hereof against the liberty of the trew Kirk, jurisdiction and discipline thereof, as the same is used and exercised within this Realm." †

And all that was repeated in the Revolution Statute of 1690, and in other Acts. It was as perfect as words could make it. It is thought, indeed, that a new security has now been found in the Clause—

> "it being declared that in all questions of construction the said Constitution shall prevail, such statutes and laws being construed in conformity with and subordinately to said Constitution." ‡

But the State's coach-and-six may yet be driven through this Clause also; and certainly the confidence reposed in it is no greater than that which surrounded what proved the futile safeguards of the past. When Thomas Gillespie was on his trial in 1752, he was able to quote the words of the General Assembly of 1736, that patronage had been restored, notwithstanding that—

> "the security of this our happy Establishment in all its parts was *as great and as solemn as it was*

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* Assembly Proceedings, 1919, page 253.

† Dr. A. Taylor Innes, Law of Creeds, page 162.

‡ United Free Church Report, 1919, page 5; Church of Scotland Reports, 1919, page 29.

possible for human laws and constitutions to devise or execute." *

In the Stewarton Case, in 1843, Lord Moncrieff said that he had learned in his earliest studies of the law of this country, and had believed it to be *no subject of doubt or controversy* that the Presbyterian Church of Scotland possessed, except as limited by express enactments,—

> "powers and jurisdiction, both judicial and legislative, in all matters spiritual or ecclesiastical, absolutely independent and exclusive." †

But most remarkable of all was the buoyant confidence of Chalmers himself. In 1838, in his London Lectures, he maintained that the State provision for the Clergy could exist "without the slightest infringement on the spiritual prerogatives of the Church, or the ecclesiastical independence of her clergymen;" and that he "knew of nothing more perfect in this respect than the Constitution of the Church of Scotland." "In things ecclesiastical," he declared, "we decide all." And then he moved forward to his famous peroration:—

> "The King by himself, or by his representative, might be the spectator of our proceedings; but what Lord Chatham said of the poor man's house is true in all its parts of the Church to which I have the honour to belong—'In England every man's house is his castle; not that it is surrounded with walls and battlements; it may be a straw-built shed; every wind of heaven may whistle round it; every element of heaven may enter it; but the king cannot—the king dare not.'"

Nine bishops of the Church of England were present when Chalmers uttered these words. Dukes, marquises, earls, viscounts—all grades of peers—were to be seen in every direction. And as this aristocratic audience heard from Chalmers of the secure and definite freedom of the Scottish Establishment, they rose, and waved their hats

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* Pollock's "Stranger than Fiction," page 37; Woodside's "Soul of a Scottish Church," page 23; Morren's Annals, page 269.

† Special Report on the Stewarton Case, by Bell and others, page 86.

above their heads, and gave way to tumultuous approbation, and to "a whirlwind of enthusiasm which was probably never exceeded in the history of eloquence." Yet, two months before Chalmers spoke, the first Auchterarder Judgment had been given. The King had already dared to enter the Scottish Establishment, and in five years time he was to rob it of every vestige of power.*

The Claim of Right, in its opening passage, refers to the securities for the government, rights, and liberties of the Church, *provided by the Statutes of the Realm*, by the Constitution of the country, by the Treaty of Union, and by the oath of the Sovereign on his accession to the throne, and it adds:—

> "Which securities might well seem, and had long been thought, to place the said liberties, government, jurisdiction, discipline, rights, and privileges of this Church *beyond the reach of danger or invasion*." †

Indeed, the whole situation and our present duty may well be summed up in the words of Dr. Carnegie Simpson:—

> "The experiment of Statute-guaranteed liberty has been tried and is not a thing to be tried again. Our Disruption Fathers had guarantees of the Church's liberty which thoroughly satisfied them, expressed in terms as explicit as words can make them. . . . But we all know that, in the decisions prior to 1843, the law simply drove a coach-and-six through the whole idea. Does Dr. Mair really think that, with that experience of the worth of the guarantees of such Acts as that of 1690, we are going into that experiment again on the strength of his phraseology? We are going to do nothing of the kind; that experiment is, for us, final. We are now guaranteeing, and shall continue to guarantee, our liberty, not by any State-given assurance, but by our own acts." ‡

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* Memoirs of Dr. Chalmers, Vol. IV., pages 38-39; 44-46.

† Practice and Procedure in the United Free Church of Scotland, Appendix III., page 181.

‡ Carnegie Simpson's "The Site of Union," pages 25 and 26.

4.—That the Retention of the Ancient Statutes secures the continuity of the Church.

In the Joint Report it is declared that the Statutes are a symbol of the continuity of the Church, and of its historic place in our national life; and that the Church regards them with satisfaction in so far as they secure the recognition of the Reformation by the State.* I cannot think that this securing of continuity by Statutory connection can be agreeable to United Free Churchmen. It but narrows the channel of Scottish History, and it replaces the real continuity by a continuity artificial and technical. The spirit of the Reformers knows no ecclesiastical boundary lines, no State-guarded channels of grace. Their Jerusalem is inhabited as a city without walls. This Statutory preservation of continuity is as if we were Anglicans forging links of Apostolic succession, or privileged legislators safeguarding the titles of a hereditary peerage. It is like going back and making out the Title-Deeds of the Reformation in the name of the Church of Scotland. It is embalming the heart of the Reformers, and carrying it about with you as Lady Devorguilla carried about with her for twenty-one years the casket containing the heart of her husband, the elder Baliol; or as Sir James Douglas was made custodian of the heart of the Bruce. Have Gladstonians forgotten to whom their great leader assigned the titles of the Reformation Succession in Scotland? He was far astray on Apostolic Succession in England; and, even as late as 1896, was expressing his anxious desire for the recognition on the part of the Pope of the validity of Anglican Orders. But he had a clearer vision for Scotland. Speaking on the Patronage Bill in 1874 in the House of Commons, he said:—

> "So far as the traditions and principles of the original Scottish Reformation were concerned, the Free Church—those who afterwards became the Free Church—whatever might be the compatibility of their views with National Establishment, were certainly the heirs of the principles of those theological traditions that are associated with the Scotch Reformation." †

* United Free Church Report, 1919, page 7; Church of Scotland Report, 1919, pages 7, 31.

† 3 Hansard, ccxx., page 1113; Speech of 26th July, 1874.

Have Free Churchmen forgotten the Act and Declaration of their Church of 31st May, 1851, that they had in 1843 publicly renounced the benefits of the National Establishment—

> "under protest that *it is her being free, and not her being established*, that constitutes the real historical and hereditary identity of the National Church of Scotland?" †

Have former United Presbyterians forgotten the great utterances of bygone days on this subject of continuity? Thus Dr. Heugh in his "Friendly Reply" said:—

> "We dare not now return to the views of 1732, any more than you can resume those of 1639 or 1560. The light of Christian liberty has been rising to its primitive brightness; and it were unwise to wish to return to the obscurity of its dawn, even were it practicable. Forgive us for reminding you, as we perpetually need to remind ourselves, that there are Fathers more ancient and venerable than those of the Secession or Reformation, even the holy apostles of our Lord and Saviour. These are the only true and infallible preceptors. At their feet let us learn; from their lips receive the law." ‡

Have the United Presbyterians forgotten the grand pronouncement of Dr. Cairns—one of the most massive pieces of eloquence ever uttered in this country:—

> "We do not concede to others the great title of the Church of Scotland. We have its work to do and its honour to uphold as well as they. The State cannot define or limit the succession of the great Scottish Reformation. Wherever there are men working on the lines of the Scottish Reformers, and perpetuating their immortal spirit, there are their successors. Connection with the State is but an accident in such a history. In the words of Dr. Chalmers, to insist on it is to 'exalt the adjective to the place of the substantive.' The greatest passages in Scottish history leave this region of Establishment below. The true Church of Scotland was with Knox in the galleys, with Melville in exile, with Rutherford in prison, with Argyll on the scaffold, with the

† Acts of the General Assembly, 1848-1852, page 307.

‡ MacGill's "Life of Dr. Heugh," page 350.

Covenanters on the mountains, with Erskine and Gillespie in their solitude, with the great separation of 1843 that went forth to new conquests, though I grant also that those who remained in the same spirit partook the same inheritance." *

5.—That the Statutory Connection would be a Protection of the Protestant Religion, and a Defence against the Episcopalian Menace.

The Joint Statement of the negotiating Churches, speaking of the Act of Security of 1707, says:—

> "Along with the Claim of Right, 1689, and the Act, 1690, ratifying the Confession of Faith, it was intended to secure "the government of Christ's Church within this kingdom" from English or any foreign interference; and, as qualified by the Articles, these Statutes would serve under present and future conditions for the protection of the Protestant Religion and Presbyterian Church government in Scotland." †

As for Protestantism, it is the last thing in the world that needs to defend itself by any unjust favour at the hands of the State; and for every such favour that it exacts, it has to pay out again in counter-balancing concessions to Roman Catholics in Church and in School, in Maynooth Grants and Education Bills—in "hush-money," as Dr. Heugh called it. As for the Episcopalian menace so called, it will suffice to give Dr. Rainy's answer:—

> "The truth is, as to serious danger to Presbyterianism, I regard it as a nightmare, with reference to which it is a most unworthy thing for any Presbyterian, who knows the history of his country, to be moved. Scottish Presbyterianism was not so born or bred. It was not nursed through such scenes, and carried through such trials, so to moulder and disappear before Episcopacy, whether of England or Scotland; and the people made by Wallace and Bruce and John Knox, and into whose blood and bone Presbyterianism was put, are not such a people that they are willing to lose hold of their Presbyterianism at an instigation or operation of this kind." ‡

* MacEwen's "Life of Dr. Cairns," pages 609 and 610.

† United Free Church Report, 1919, page 7; Church of Scotland Report, 1919, page 31.

‡ Assembly Proceedings, 1880, pages 129 and 130.

CHAPTER XV.

BACK TO ESTABLISHMENT.

"They left, never to return."

—Account of the Marnoch Case.*

Much discussion has taken place as to whether a Church with such a Constitution and such a relation to the State as is now proposed would be an Established or a Disestablished Church. Certainly it must be either the one or the other. In so great an issue there can be no *via media*, and it is only wheedling, and juggling with words, to talk of any such possibility. It is easier to reconcile Kant's Antinomies than to get a common measure of Establishment and Disestablishment. During the Church Union Movement of 1863-1873, an eminent correspondent wrote to Dr. Cairns submitting an elaborate scheme for founding a "Voluntary Established Church." † The very idea was received at that time with ridicule, and it is as ridiculous to-day as it was then. If such a thing were possible, it would be an absolute condemnation of past contendings, as much on the one side as on the other. The great Church Defenders of the Church of Scotland, the great Advocates of the Voluntary Principle, the famous Free Churchmen of later times, were all merely beating the air, dealing with unrealities, making an issue where there was none, stirring up ages of strife over nonentities, in their culpable simplicity and blindness failing to see that the conflict of centuries might be composed for ever by a few ambiguous phrases around a table. We do not believe that our forefathers on either side were so hopelessly stupid or so heinously guilty as all this. In this accommodating time, we have Lord Guthrie declaring himself a Voluntary ready to enter the Establishment:—

> "State connection had no attraction for him. He frankly admitted that he would rather unite with

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* 21st January, 1841; Ten Years' Conflict, II., 313; Annals of the Disruption, I., 26.

† MacEwen's Life of Cairns, page 531.

> the Church of Scotland non-Established than Established. Yet when the Union took place he proposed to march into the United Church, if not with his Voluntary colours ostentatiously flying, at all events without any concealment of his views or any limitation to prevent him putting them into active operation should fit occasion arise." *

It is like joining a Conservative Association to keep the Radical Flag flying. You leave your principles behind you, when you take such a step. Principles are not something we carry about with us in our pockets; they are the very ground on which we stand.

What, then, are the proofs that the Church with the constitution and relationship now proposed is still an Established Church?

1.—The Spiritual Claim of the Church does not prevent its being an Establishment.

The fact that the Church existed before it was ever recognised by the State, did not, either in the days of Constantine or at the Reformation, prevent its being regarded as an Establishment from the moment of its acceptance of State privilege and State endowment. The Church of England makes the same claims in this regard as we do. Thus Earl Selborne:—

> "The words 'established by law' do not anywhere mean that the Church was founded, or set up, or moulded into its actual form by the State." †

Nor will a Church's full claim for spiritual freedom keep it from being an Established Church if it enters into that relationship, though the relationship will and must prevent it exercising that full liberty. It is said, indeed, in the Joint Report:—

> "The Church of Scotland has been recognised by the State as also possessing a special national character which was judicially interpreted as rendering the Church in some relations a department of civil government. But with the recognition of the

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* "Glasgow Herald," 14th May, 1918.

† "Defence of the Church of England against Establishment," by Earl Selborne, page 69.

> Church in the spiritual and autonomous character asserted in the Articles this feature judicially attributed to the constitution of the Church of Scotland disappears." *

But so long as the Church accepts State-privilege and State-pay, so long will this character be, not only judicially, but justly, attributed to her. It does not disappear, and it ought not to disappear. The Church, indeed, is not the creation of the State, but the Establishment is; and in so far as it is an Establishment, it is a Department of Civil Government, and should be treated as such.

2.—The Standard Definitions of Establishment all cover the Relationship Proposed.

Paley defines Establishment in these terms:—

> "The notion of a Religious Establishment comprehends three things:—a clergy, or an order of men secluded from other professions to attend upon the offices of religion; a legal provision for the maintenance of the clergy; and the confining of that provision to the teachers of a particular sect of Christianity." †

In our case the particular sect is identified as the Church that has the constitution and characteristics embodied in the Draft Articles. On the Church so defined, Parliament is to be asked to confer all the privileges that come through the ancient Statutes.

Equally apposite is the description of Chalmers in his London Lectures:—

> "One Church admitted to the powers of an Establishment, while all others are suffered to abide outcasts from its emoluments and its honours." ‡

And Freeman's:—

> "The State accordingly proceeds to 'establish' the Church, to make it in a special way the Church

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* Church of Scotland Report, 1919, page 30; United Free Church Report, 1919, page 7.

† Paley's Moral and Political Philosophy, Book VI., Chapter X.; Works, by Lynam, Vol. ii., page 25.

‡ "Select Works of Chalmers," XI., page 212.

of the Nation, while alongside of the Church so 'established,' all other religious bodies hold a less dignified and less favoured position." *

Moreover, Endowment itself is the proof and kernel of Establishment. This also the standard definitions all make clear. Paley's definition above given embodies it. Chalmers, in order to secure full freedom for the Church, confined Establishment to Endowment, and made it consist in—

"a sure legal provision for the expense of its ministrations." †

So Mr. Gladstone made Endowment the central feature in Establishment, at least in Scotland :—

"Without Disendowment, Disestablishment would be an actual shadow."

Many Churchmen, however, value Establishment above Endowment, and would say as Principal Tulloch said to Dr. Rainy :—

"It is not the money I am caring for, it is the Establishment." ‡

Now, in the United Free Church there are all shades of opinion on the subject of Endowment. Some have gone completely over to Establishment, and are in favour of the Church of Scotland bringing all the endowments into the United Church; some will leave all to Parliament, to do as it will; some look to Parliament to effect virtual disendowment; and some still stand on the old ground, contending with Principal Rainy, in words already quoted, for "the application of the funds to purposes apart from Religious Bodies." ** But the Parliamentary Bill is not the Bill of United Free Churchmen of either one school or another. It is the Bill of the Church of Scotland, and they have not left us in doubt as to their intentions. Thus Rev. John White, of the Barony Church, Glasgow, in the semi-official Appendix to the Church of Scotland Report in 1918 :—

"The question of Endowments does not come up in relation to the Articles. It has hitherto only been

* Freeman's "Disestablishment and Disendowment," page 28.
† "Select Works of Chalmers," XI., page 122.
‡ Free Church Assembly Proceedings, 1894, page 167.
* Carnegie Simpson's "Life of Rainy," chap II., page 76.

incidentally referred to, and the Committee have not gone beyond the statement that the ancient endowments shall not be secularised, but shall be *conserved for the United Church* in order that, with necessary readjustments, they may continue to be used towards the support of religious ordinances under a territorial system." *

So Professor W. P. Paterson, Moderator of the Church of Scotland :—

"Chalmers asserted it to be the duty of the State to assist the Established Church in the erection and endowment of new Churches, if necessary by taxation ; while they in the present day had ceased, in view of modern conditions, to urge the claim for Parliamentary grants, and would be content with the *continued destination of the patrimony of the Kirk to the support of the ministry of the reunited Church.*" †

And more recently, in his address to the Glasgow Elders' Association, as if to put the position beyond all possibility of doubt, Professor Paterson has made the following decisive pronouncement :—

"Some people told them that there was another aspect of the question that had not yet been faced—that was the question of the endowments. He was not aware that there was any obscurity in the attitude of the Church of Scotland in regard to that subject. Their principles were that the endowments were to be conserved for the support of the ministry of the United Church, and that parishes from which the teinds were drawn were not to be despoiled—rural parishes were not to sink to the level of a rural mission station. The first claim on those teinds was to be made by the parish for the support of the parish church and the ministers, substantially on the old footing ; but for the rest the surplus was to be used by the Church with a free hand for the support of ordinances throughout the length and breadth of the land in accordance with the requirements of the population." ‡

* Church of Scotland Report, 1918, page 11.
† "Glasgow Herald," 13th October, 1919.
‡ "Glasgow Herald," 10th February, 1920.

3—The Pronouncements of Churchmen shows it to be an Establishment.

The Rev. John White, in the Semi-Official Document just referred to, says:—

> "The Articles do not—as outwith their scope—introduce any new definitions of State relations; they contain nothing inconsistent with the claim of the United Church to recognition by the State as national, preserving its continuity with the Church of the Reformation. The ancient statutes will retain their place on the Statute Book as at present, and be unaffected except in so far as the declaration of spiritual freedom may modify their interpretation."*

Again, at the meeting of the Glasgow Synod, Mr. White said:—

> "It was a scheme of Union also without sacrificing the principles of the Church of Scotland. *It remained national, free, and endowed.*" †

At the General Assembly of the Church of Scotland in May, 1919, Lord Balfour of Burleigh said:—

> "He believed if they could give the people of Scotland the chance of *gathering into the old Church*, they would have a much better chance of Union than in any other way."‡

At a meeting of Edinburgh Presbytery, on 30th July, 1919, Dr. Wallace Williamson said:—

> "What they were seeking was the recovery of the power of separate action. *He defied any man to say that if they recovered that there was anything in the present movement corresponding to Disestablishment.*" **

At the Dundee Presbytery, on 11th June, 1919, the Rev. G. M. Maclean said:—

> "A great change had come over the ecclesiastical life of Scotland. There was a great deal of eagerness for Union. He did not think there was very much

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* Church of Scotland Report, 1918, page 10.
† "Glasgow Herald," 15th October, 1919.
‡ "Scotsman," 28th May, 1919.
** "Scotsman," 31st July, 1919.

eagerness in their Church, but there was undoubtedly a great deal of eagerness on the part of the United Free Church, probably owing to the fact that *the voluntary system had proved a dead failure.*" *

At the Glasgow Presbytery, on 29th October, 1919, the Rev. Donald Cameron, Kilsyth, in moving the motion favourable to the Articles, said :—

"The Articles undoubtedly modified the constitution of the Church of Scotland in its relation to the State, but the alteration was in the direction of liberty, and not in the direction of separation of the State from the Church, or the Church from the State. The Ancient Statutes stood, in which the State recognised the Church as the Church of Scotland and the National Church, and the only alteration brought about by the Articles worked towards greater freedom for the Church . . . *The Church of Scotland would be a National Church, an Established Church.* †

And at the Fordyce Presbytery, the Rev. Dr. Bruce of Banff declared :—

"The Articles had been criticised as practically involving Disestablishment. That was a mere quibble, for *the Church would be established more firmly than ever*, and all friction between the State and it would be removed. . . . . Some Dissenters said—'This was practically Disestablishment, why not frankly say so?' This was not so ; from the beginning they had made it clear *it was to be a national Church in union with the State.*"‡

It is true there are many in the Church of Scotland who take another view ; but, if the relationship proposed is too little for them, it is too much for us. We know also that Dr. Henderson has pictured the Church of Scotland returning from Parliament with her liberty and rights acknowledged, and the two Churches thereafter consummating a willing, free, and unhampered Union ; and that he has said :—

"The State would not be there. It would not be in the matter at all."**

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* "Dundee Evening Telegraph," 11th June, 1919.
† "Glasgow Herald," 30th October, 1919.
‡ "Glasgow Herald," 29th November, 1919.
** Assembly Proceedings, 1919, page 250.

But this extraordinary procedure of precisely opposite assurances being given to the two Assemblies can only lead to confusion and division, and, in the end, bring disaster on the cause of Union itself:—

"It is not, nor it cannot come to, good."

4.—The Retention of the Ancient Statutes continues to the Church of Scotland all the State Privileges she now enjoys as an Establishment.

Some speak as if the Ancient Statutes had only an antiquarian interest, and as if retaining them meant no more than the keeping of the Parchment Copies of the National Covenant in the Library of the Faculty of Advocates at Edinburgh, or the keeping of the Claim of Right in the Archives of the United Free Church. It is forgotten that these Statutes are the only standing ground of the Church as an Establishment. There is more here than the mere recognition of a Church as by its numbers and influence or devotion entitled to be called National, though a Church of that kind least needs such a statutory recognition. Such a Church, unrecognised by the State, will always secure for herself, from the people, the recognition to which her public services entitle her. This was well put in a notable speech in the House of Commons by Edward Miall, M.P.:—

> "Their piety, their learning, their spiritual zeal, their religious aptitude to do their work—why, inasmuch as State favour never gave them these qualifications, so the withdrawal of State favour cannot take them away. No legislature can deprive them of any superiority over the non-established Churches which in regard to such things they may really possess."*

But the privileges bestowed by Statute are of a more material and definite kind. In this respect the Statutes mean as much to-day as they ever meant. Not one State-conferred privilege is to be abandoned. The Statutes give the right to the Teinds and the other State Endowments. They make the Church a public and national institution, and

* 3 Hansard, Vol. CCXVI, page 22; Speech of 16th May, 1873.

give its ministers a public office. The ministers of the Church of Scotland are alone eligible for Royal Chaplaincies, for Presbyterian Chaplaincies on the Indian Establishment, and for professorships of Divinity in the Scottish Universities, richly endowed anew, as these have just been, by large Treasury Grants. Their Courts are Courts of the Realm and are given a special civil jurisdiction; and although an effort has been made to place this jurisdiction on a broad basis as part of the independent government and jurisdiction of the Church that flows from Christ alone, yet this special jurisdiction, relating particularly to cases of discipline, is conceded only to the Church of Scotland and is Statute-given. Of it, Dr. Mair says:—

> "Jurisdiction is a technical juridical term. It has nothing to do with the power given by Christ. It means a power given to Courts by the State alone; and when given to the Church Courts it is the right to exercise the powers which they have from Christ." *

Again, referring to the Statute of 1592, he says:—

> "One important effect of this act may be expressed in the words of Lord Justice-Clerk Moncrieff in the Auchtergaven case, June 29, 1870: 'The jurisdiction of the Church Courts as recognised judicatories of this realm rests on *a similar Statutory foundation* to that under which we administer justice within these walls.'" †

It is made as plain as day that the Church of Scotland intends to retain this Statutory privilege. Thus:—

> "The Church of Scotland cannot assent to be deprived of the recognition by the civil courts of the independence and finality of the action and judgments of her courts in matters spiritual, nor would such a measure be in the real interest of other Churches." ‡

Then there are all those consuetudinary privileges and time-honoured usages that have grown up around the Statutes, and these are to continue as may be agreed upon. **

* Dr. Mair's "Jurisdiction in Matters Ecclesiastical," page 10.
† Dr. Mair's "Digest of Church Laws,' pages 4-5.
‡ Church of Scotland Report, 1919, page 29; United Free Church Report, 1919, page 6.
** Church of Scotland Report, 1919, page 31; United Free Church Report, 1919, page 7.

Yet it is not any one of these things that make the preference so invidious and odious. It is that any one Church should be singled out at all for privilege, or preference, or status, or preferment.

Now, in 1913 it was the contention of the United Free Church Committee that the Statutes should be repealed "in so far as they are inconsistent with the freedom of the Church *and confer a religious monopoly upon the Church of Scotland.*" * But this second clause has vanished from our demands. The Statutes are now to be repealed only in so far as they conflict with freedom; not at all in so far as they confer privilege. Any Church uniting with the Church of Scotland, we are assured, would not become subject to statutory obligations or control; † but it would go in to share State privilege. It is said, indeed, that the Church would not enjoy any privilege to the prejudice of others; ‡ but that is the language of the defenders of privilege all the world over:—

"We do not feel the chain
When it works a brother's pain."

There is no proposal anywhere to make a clean cut with the State in respect of special privilege. The Irish Church Act of 1869 bore in its second Clause that on and after the first day of January, 1871, the Church of Ireland "*shall cease to be established by law.*" The Welsh Church Bill of 1909 has as its first Clause that on the first day of January, 1911, the Church of England, so far as it extends to and exists in Wales and Monmouthshire, "*shall cease to be established by law.*" The "virtual Disestablishment" of the Church of Scotland is to begin with the Clause—"*The Ancient Statutes shall remain on the Statute Book!*" What do these Statutes say? The Act of 1567 runs:—

> "The King's Grace, with advice of my Lord Regent, has declared and granted jurisdiction to the said Kirk, which consists and stands in preaching of the true Word of Jesus Christ, correction of manners, and administration of Holy Sacraments, and declares

* United Free Church Report, 1913, page 16.

† Church of Scotland Report, 1919, page 28; United Free Church Report, 1919, page 4.

‡ Church of Scotland Report, 1919, page 31; United Free Church Report, 1919, page 8.

that there is no other face of Kirk nor other face of Religion than is presently by the favour of God established within this Realm, and that there be no other Jurisdiction ecclesiastical acknowledged within this Realm other than that which is and shall be within the same Kirk or that which flows therefrom."

The Act of 1579 confirms this. The Act of 1587 speaks of—

"the libertie of the Kirk of God and Religion now presently professed and *by the laws established within this realm.*"

The Statute of 1592 refers to—

"the true and holy Kirk *presently established within this Realm.*"

In the 1690 Statute, which is the Establishment of the present Church of Scotland as from the Revolution Settlement, they revive, ratify, and perpetually confirm, all laws, statutes, and Acts of Parliament for the maintenance and preservation of the true Reformed Protestant Religion, and for the true Church of Christ within this Kingdom,—

"as also they do *establish, ratify, and confirm* the Presbyterian Church Government, and Discipline."

Then they go on to speak about the Protestant Religion and Presbyterian Government *now established*, and proceed to fix up place and time of the anew-established Church:—

"Their Majesties do hereby appoint the first meeting of the General Assembly of *this Church, as above established.*

The Act of Security, 1707, reads:—

"Her Majesty, with advice and consent of the said Estates of Parliament, does hereby *establish and confirm* the said true Protestant Religion, and the worship, discipline, and government of this Church, to continue without any alteration to the people of this land in all succeeding generations."

Then it provides and declares that the true Protestant Religion, and the Presbyterian Church Government and Discipline—

"*all established by the foresaid Acts of Parliament*, pursuant to the Claim of Right, shall remain and

continue unalterable; and that the said Presbyterian government shall be the only government of the Church within the Kingdom of Scotland."*

It is evident that even when you have repealed these Statutes so far as freedom is concerned, and so far as their old exclusiveness is concerned, the Church still remains a Church "by law established." We may recall the Queen's letter to the General Assembly of 1843:—

> "The Union of the Church of Scotland with the State is indissoluble, *while the Statutes remain unrepealed* which recognise the Presbyterian Church as *the Church established by law* within the Kingdom of Scotland." †

And we may well say with John Locke:—

> "'Religion established by law' is a pretty odd way of speaking in the mouth of a Christian, and yet it is much in fashion." ‡

And that fashion we too are now to be compelled to adopt.

On this subject of preserving the Ancient Statutes, and thereby continuing the connection of Church and State, I give two quotations, the first from Rev. Andrew N. Bogle, M.A., Central Fund Secretary of the United Free Church. Speaking in the Assembly of 1908 as to the ideals of the two Churches, he defined our ideal thus:—

> "There lies before our minds the ideal of a free Church in a free State, a Church which deals directly with the sovereign power of the State—namely, the people — *without the mediation of any statute.* (Loud applause.) That is the ideal for which we have suffered, for which our Church in its two branches has made great sacrifices; and we are not at the present time to be in any way disturbed or hindered from maintaining that ideal, and from holding that that is what our energies must be directed towards. But I don't want to argue that question about which everything that can be said has been said. Our position as a Church is that we believe that it is a proper thing

* The Acts of the Parliaments of Scotland, 1424-1707, Revised Edition, pages 42, 49, 71, 212, 213, 286-288; Free Church Appeals, 203; and Dr. A. Taylor Innes, "Law of Creeds," pages 155-176.

† Dr. A. Taylor Innes, Law of Creeds, page 88.

‡ Locke's Letters on Toleration, page 124.

for us to work for a free Church in a free State *without any complication of statutory connection.* (Applause.) This is our duty to our own people, to our sister Churches, and to the State itself. *I can conceive nothing more likely to produce a wrong impression in this country, and especially in the Churches of this country, than that we should in any way resile from the position that we have hitherto taken up in regard to that ideal.*" *

The other quotation is from Dr. Rainy, and it has something to say to those who are going to carry their voluntary principles with them into a Church by law established:—

"If they were joined under the statutory connection of the State, they could not make it an open question whether the Statute would apply to that Church of which they should then be members. There was no possibility of it. And, even if they were disposed to make some things open questions—which he was not disposed to do—in the Church for the sake of union—even if that were so, it was a mistake to suppose that they could make it an open question in joining the Established Church, a Church which maintained its establishment, whether they were themselves to hold in that Church a statutory connection with the State. Those things seemed to him to be so plain as to be the simple A B C of the whole question; and the tendency in men to persuade themselves—and he was sure they did it from the most amiable and most kindly and, he supposed, Christian motives—that they could bring to pass *a system of things which, on the one side of it, should be establishment, and which, on the other side of it, should be non-establishment—that they could mix them up together, or could arrange them with two faces—that was not sense, and it was not statesmanship.* They must face the situation. As for their Church, he could not conceive anything worse for them than to suppose that in that united Church they should consent, they should begin to consent, to debate the

* Assembly Proceedings, 1908, page 95.

question as a practical question, *what kind of statutory connection with the State* might conceivably suit them, and be acceptable to them? *The only thing that would be worse that that, would be if they decided the question in favour of any statutory connection.*" *

5.—Shall we go Back?

If we go back to Establishment we go back to an institution that is foredoomed. We will destroy ourselves; we will not save Establishment. Dean Alford wrote:—

> "The next term is, the severance of the Church from the State. Whether years, or decades of years be taken for the accomplishment of this:—however it may be deprecated, and however opposed;—accomplished it will certainly be. History has for ages been preparing its way; in past changes, it has been conceded over and over again; God's arm is thrusting it on, and man's power cannot keep it back." †

Going back! We are reminded of the reply given by M. Paul Sabatier, some time after the separation of the Churches and the State in France under the law of December 10, 1905. He was asked, "Will the Democracy go back on itself, and retrace its steps?" And he made answer:—

> "One might as well ask a young man who has just left home in the strength and pride of his twenty years, *whether he can ever again become an obedient little boy*?" ‡

Going back! It is as when Milton in his Second Defence tells Cromwell that, if he were himself to accept the Kingship and go back to the Monarchy he had overthrown, he would be doing the same thing as if, after having subdued some idolatrous nation by the help of the true God, he should afterwards *fall down and worship the gods which he had vanquished.*

Or as when later, at the Restoration in 1660, in his "Ready and Easy way to Establish a Free Commonwealth,"

* Assembly Proceedings, 1901, pages 184-185.

† Essays and Addresses, by Henry Alford, D.D., Dean of Canterbury, page 166; Article, "The Church of the Future."

‡ On this subject, see "Disestablishment in France," by Paul Sabatier.

he gave warning against submitting again to the tyranny of the Stuart Kings, and declared that *after their liberty and religion successfully fought, gained and many years possessed*, to creep back to their once abjured and detested thraldom of kingship *would be to show themselves prepared for new slavery, and would render them a scorn and derision to all their neighbours.*" *

For our own part we are ready cordially to consider Union with the Church of Scotland the moment it is out of relation to the State; we are open to entertain larger Unions such as have been already referred to: but as for entering an Establishment, we can only say in the celebrated words used by the Earl of Chatham on November 20, 1777:—

"Never—Never—Never."

* Milton's Prose Works, St. John's Edition, Vol. i., page 289; Vol. ii., page 113.

CHAPTER XVI.

NATIONAL RELIGION.

"Well, I must say for myself—speaking only for myself—that what I would regard as the great thing is, that the influence of Christians and of Christian Churches, pervading the nation, should operate as a living force on National Government and National affairs."—Principal RAINY. *

NATIONAL Religion may be understood in a two-fold sense. On the one hand, it is the duty of the State to the Christian Church, and to Christian men; on the other, it is the duty of the Christian Church, and of Christian men, toward the State.

A.—The Duty of the State.

1.—The First and Fundamental Duty of the State toward Religion is to leave it alone.

It is in this sense that Dr. Wardlaw says:—

> "The true and legitimate province of the magistrate with regard to religion is to have *no province at all.*" †

Let no man say this is Secularism. R. W. Dale says on this:—

> "The Atheism lies not in omitting to enforce the public profession of a religious creed and the public observance of religious forms on men who have no religious belief and no religious life, but in enforcing these things on these men. ‡

So Professor Laski, of Harvard University, in his great book just published:—

> "The choice is not between infidelity and theocracy. The choice is between the use of an

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* Assembly Proceedings, 1877, page 188.

† Wardlaw's "National Church Establishments," page 191.

‡ Life of R. W. Dale, by his Son, page 374.

> illegitimate weapon for wrongful purposes, and the admission that the function of religion does not enter into the field of politics." *

Dean Alford makes short work of the objection "that the State, in separating from the Church, abandons her profession of religion, and thereby ceases to be Christian." He says :—

> "It is little creditable to our intelligence, that such a fallacy should find acceptance anywhere. That it should be put forth in high places, and uttered with senatorial gravity, is truly astonishing." †

It is the deepest and most sensitive regard for the interests of religion that refuses to have it sullied by the secular hand, and made an instrument of secular power; that declines to have it associated with injustice, holding that such association is the greatest disservice you can render to national religion, and that it never can be a real homage to Christ to perpetrate a national wrong; and that claims for religion and for Churches a fair field and no favour, and the fullest freedom for their own development. It is a deep religious instinct that tells the State to keep to its own province, and leave Religion to its own sphere. The more the religious consciousness is developed in the Nation, the stronger will be the demand for absolute non-interference. In one of the Statements on National Religion drawn up at the Private Conferences held in 1894-1895, with a view to furthering the Union of the Presbyterian Churches in Scotland, it is maintained that the State should—

> "legislate and act, within the limits appropriate to the civil power, with a view to the promotion of righteousness and godliness within its own borders, and throughout the world." ‡

But it is by non-interference that, in this regard, righteousness and godliness can be best promoted. This is finely

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* "Authority in the Modern State," by Harold J. Laski, page 296.

† Essays and Addresses, by Henry Alford, D.D., ; Article vii, "The Future of the Church," pages 168-169.

‡ Union of the Presbyterian Churches in Scotland, Completed Report, page 22.

put in a later Article of these Conferences where it is stated that one of the specific ways in which a Christian State may fulfil its obligations towards Religion is—

> "by recognising the Church of Christ as a Divine Institution and the chief means for the promotion of righteousness and godliness, and by respecting its true spiritual independence." *

It was a truly religious instinct that inspired the Amendment embodied in the Constitution of the United States in 1791 :—

> "Congress shall make no law respecting an Establishment of Religion, or prohibiting *the free exercise thereof*." †

It is a truly Christian instinct that asks the State to respect the equal Spiritual Independence of all Churches, and that leaves Religion to flourish in its own soil, instead of transplanting it to a soil and an atmosphere where it withers and fades. In these Conferences Professor Flint held that the "Articles of Agreement" drawn up during the Union proceedings of 1863-1873 were defective in respect that—

> "it is the right and duty of the Christian State to legislate and act with a view to the spiritual as well as to the physical welfare of its subjects, to the furtherance of the peace, order, and prosperity of the Church, and to the advancement of the Kingdom of God." ‡

But in our view it is by holding aloof that the State can best promote the spiritual welfare of the people, further the peace, order, and prosperity of the Church, and advance the Kingdom of God. The religious purpose that dictates non-interference has been finely expressed by the great American historian, Bancroft—

> "When the constitution of the State (New Jersey) was passed by a Convention composed chiefly

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* Union of the Presbyterian Churches in Scotland, Completed Report, page 22.

† "The American Commonwealth," by Lord Bryce, New Edition, Vol. i., page 715.

‡ Union of the Presbyterian Churches in Scotland, Completed Report, page 89.

of Presbyterians, they established perfect liberty of conscience without the blemish of a test. Free-thinkers might have been content with toleration, but real religious conviction would accept nothing less than equality. *The more profound was faith, the more it seemed to admit no connection with the State;* for, such a connection being inherently vicious, the State might more readily form an alliance with error than truth, with despotism over mind than with freedom. The determination to leave truth to her own strength, and religious worship to the conscience and voluntary act of the worshipper, was the natural outflow of religious feeling." *

2.—It is the Duty of the State to Recognise full Freedom of Conscience.

We have already noticed the grand stand made by the Covenanters, by Dr. John Brown and others, for the rights of Conscience, and for the assertion of the limits of Civil Obedience. Strong support and emphasis are given to their attitude by Professor Laski in the very able treatise already referred to. He says :—

> "The State deserves the individual's allegiance, it should receive it, only where it commands his conscience." †

Principal Lindsay put it thus :—

> "There must be freedom of conscience recognised by the State, and that was the perennial way in which they could put the old historical maxim of the Headship of Christ over the Nations." ‡

The United Free Church, in recent times, has also given noble, if sometimes faltering, expression to the rights of conscience, and to the duty of the State in this regard, thus :—

> "Where conscience is proved, nothing is more sacredly entitled to protection. Its invasion by the civil power, either by compulsion or by deprivation of

* Bancroft's "History of the United States," XI., page 274.
† "Authority in the Modern State," by Harold J. Laski, page 46.
‡ Assembly Proceedings, 1885, page 145.

civil rights, is unjustifiable; and even in cases where the validity of its plea may be in doubt, a society wisely concerned for the higher interests of its citizens, rather than risk the doing violence to the least of them, will prefer that its claim upon the individual be waived. The menace to freedom arising from the absolutism of the modern State is a growing one, and nothing but a strong assertion of the properly spiritual nature of man, such as is furnished by Christian faith, can avert it." *

3.—It is the Duty of the State not to Divide Churches.

By maintaining the practice of Establishment, the State continually acts as a Disrupter of Churches. This led Dr. Rainy to declare:—

> "One duty of the State to Religion was not to keep the Churches divided. The unity of the Church was one of the great objects for which the magistrate cared, according to the Confession of Faith. *Have the goodness not to drive wedges into the Churches*, was a natural and reasonable thing to say to the State."†

4.—It is the Duty of the State to allow facilities for the free exercise of Religion alike on Ordinary, and on Special Occasions.

It is held by some that the State should select a Church to be at its call, and to represent it on great national occasions of joy or sorrow. To that our answer is that the more spontaneous and free such services are, the more truly national will they be, and the more acceptable to Heaven. It is the province of the Church, and not of the State, to initiate and carry through such services; nor must the Civil Magistrate enjoin them. Since the days of the Porteous Riot in 1736 when the ministers of all parishes in Scotland were required under

* United Free Church Reports, 1918, Vol. XXXIII, page 8; Assembly Proceedings. 1918, pages 147-154.

† Assembly Proceedings, 1878, page 198.

pain of expulsion to read the obnoxious Porteous Act from their pulpits, there has been a proper jealousy of all State injunctions in such matters. The United Presbyterian Church took up the question, and succeeded in displacing the word "appoint," first by the word "exhort," and then in 1873 by the word "invite," in the "Royal Proclamation of Fasts and Thanksgivings." Some little time ago the word "command" again appeared, but on representation made it has already given place to a milder form. On this also we say—"The King cannot, the King dare not enter here." And so, in the Articles of Agreement of the Free and United Presbyterian Churches as formulated in 1869, it is thus expressed:—

> "The Civil Magistrate may, and on suitable occasions ought to, appoint days on which his subjects shall be invited to engage in acts of humiliation or of thanksgiving; but without authoritatively prescribing or enforcing any special form of religious service, or otherwise interposing his authority beyond securing to them the opportunity of exercising their free discretion for these purposes." *

5.—It is the Duty of the Rulers of the State to apply their Christian principles in their public as well as in their private capacity.

In what respect and direction they are to apply them, has been the subject of continual dispute. One effect of the Disruption on its leaders was, in course of time, to modify greatly the expressions they had formerly used. They came to allow a wide divergence and difference of opinion as to the ways and means by which nations and civil rulers could discharge their duties to religion and the Church. Thus, for example, Principal Cunningham uses words on this subject which a consistent Voluntary might well adopt:—

> "I still believe it to be a portion of divine truth, fully sanctioned by the Word of God, and, therefore,

* Free Church Blue Book, 1869; Report xxiii, page 10; Proceedings of the United Presbyterian Synod, 1864-1869, page 784.

never to be abandoned or denied,—that an obligation lies upon nations and their rulers to have respect, in the regulation of their national affairs, and in the application of national resources, to the authority of God's Word, to the welfare of the Church of Christ, and the interests of true religion." *

In later times it was maintained, both by Free Churchmen and by United Presbyterians, that whatever the Civil Magistrate did to further the interests of the religion of the Lord Jesus Christ he must do "consistently with its spirit and enactments." † And both sides were practically agreed that—

"Magistrates *as well as other men* are under obligation to submit themselves to the Lord Jesus Christ, and to regulate their conduct in their several places and relations by His Word." ‡

The words "*as well as other men*" were hardly acceptable to Dr. Begg and some others, but Dr. Cairns tells us that after long discussion Dr. Buchanan appeared with a smile on his face to ask them to accept a new form :—

"That all men in their places and relations, and therefore Civil Magistrates in theirs, are under obligation, etc." **

This, he adds was hailed with great delight, and all were satisfied. It is equally interesting to note that he says :—

"It came out more clearly than ever that no Voluntary denies the Magistrate's duty to use his legitimate influence for Christ, and no Free Churchman gives him a *quasi* sacred function above other Christians." ††

* Historical Theology, I., page 391.

† Union of the Presbyterian Churches of Scotland, Completed Report, page 19; Walker's "Chapters from the History of the Free Church of Scotland," page 235.

‡ ** †† MacEwens' "Life of Cairns," pages 515, 524 and 525.

This reminds us of Locke's notable utterance :—

> "The care of souls is not committed to the Civil Magistrate any more than to other men." *

6.—In particular, it is the Duty of National Rulers to enshrine Christian Principles in their Legislation and Administration.

Dean Alford says the Christianity of our Nation is proved by such acts as the liberation of the slaves, or the succour of the oppressed :—

> "One such act stamps her Christian before God and man, more than all the fictitious survivals of her play-professions of Anglicanism." †

John Bright speaks about Holy Writ being embodied in an Act of Parliament; it should also be inscribed on all the pages of National History. John Bright himself was a magnificent example of a man who was at once a life-long and uncompromising opponent of all Civil Establishments of Religion, and a Civil Magistrate who wrought Christian principle deep into the national fabric. His one great regret indeed was that Christianity, as he understood it, had not been more inwrought into the fibre and deeds of the Nation, for then—

> "we should indeed have had less of military glory. We might have had neither Trafalgar nor Waterloo; but we should have set the high example of a Christian Nation, free in its institutions, courteous and just in its conduct towards all foreign States, *and resting its policy on the unchangeable foundations of Christian Morality.*" ‡

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* Locke's "Letters concerning Toleration," page 10.

† Essays and Addresses, Chapter VII., "The Future of the Church," pages 170 and 171.

‡ Thorold Rogers' "Speeches of John Bright," page 239.

B.—The Duty of the Christian Church and of Christian Men toward the State.

1.—It is the Duty of the Church to be on friendly but unfettered relations with the State.

As a matter of fact it is likely to be much more friendly without the Statutory connection than with it. Thus Dr. Rainy:—

> "About the friendly relation of the State to Religion, I hope it will be much more really friendly after Disestablishment than it was before." *

But friendliness is a plant that does not flourish where there is artificial State-relationship. Vinet says that, under Establishment, Church and State are not so much united as entangled; that they may exist, and even assist each other, without being united, but that united they only damage each other; that it is like an unlucky marriage where, because one of the parties is unhappy, the other must of necessity be so, and as religion loses by the union, the State cannot possibly gain by it; that the true name of the pretended association of the Church with the State, is contention; that when you unite Church and State, you really separate them, and that when Religion separates itself it is only that it may reunite itself the better; and finally, he says:—

> "If we would infuse a religious spirit into the nation, we must separate Religion from the State." †

2.—It is the Duty of Christian Churches and of Christian Men to witness against National Evils.

Sir George Adam Smith says that Isaiah's patriotism lay in his conscience of his country's sins, and in his exposure of them.‡ No Church has been faithful as it should to its duty in this regard, but at least the Free Churches have

* Assembly Proceedings, 1880, page 127.

† Vinet's Essay on Religious Conviction and Separation of Church and State, pages 348, 349, 352, 467, 474.

‡ The Expositor's Bible, the Book of Isaiah, by George Adam Smith, M.A., Vol. i., page 40.

been far ahead in denouncing Intemperance, Gambling, National Self-seeking, and other great social and national evils and wrongs. It is only when we are fully free of the State that we can be absolutely faithful, and truly loyal to Christ, in our National Testimony and National Service. Dr. Rainy said:—

> "He believed that during those years which had passed since the Disruption this Church of theirs disestablished did more decidedly, more beneficially, to affect, in the interests of truth and sound religion, the action of the nation in connection with education, in connection with other questions, they did far more, and more effectually, than the Established Church did, and he believed they did it all the more effectually just because of the position which they did not chose, but which God had providentially assigned to them." *

3.—It is the Duty of the Christian Church and of Christian Men to Influence and Mould National Legislation and Administration.

The grand security for National Religion is not in parchments and documents lodged in the archives of the State or of the Church, but in a living Christian influence brought to bear on the Government in all its public actions. This was Dr. Chalmers's ideal as expressed on Disruption day:—

> "We hold that every department of Government should be leavened with Christianity, and every functionary in it, from the highest to the lowest, should be under its influence." †

Thus also Dr. Rainy:—

> "I want that Disestablishment should come, but I want that it should come in such a line as should be consistent with our maintaining in the minds of our people readiness and heart for the glorious effort of

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* Assembly Proceedings, 1885, page 126.

† "Witness" Newspaper, 19th May, 1843.

trying as far as we can in this generation, and through all generations, to leaven the national life with Christ's truth, and with the honour of Christ's Kingdom." *

And we have to bear in mind that we all now constitute what is somewhat pedantically known as the Civil Magistrate. We all mould the mighty State's decrees, and shape the whispers of the throne. And it is in that broad sense that we can give the fullest meaning to the second of the Articles of Agreement of the Free and United Presbyterian Churches, formulated in 1869 :—

"That the Civil Magistrate ought himself to embrace and profess the religion of Christ . . . . . and that he ought to be ruled by it in the making of Laws, the administration of Justice, the Swearing of Oaths, and other matters of civil jurisdiction." †

This aspect was finely stated by the late Mr. D. M. Watson of Bullionfield, Dundee, an able advocate of our cause in the General Assembly. He said :—

"At the present day they did not have trustees acting for them, but they had the whole body of the people. They were no longer under pupilage. If they were to exemplfy national religion—if they were to show that they respected God's Word and sought to honour Him as a nation, they must do it, not by one act, but day by day. They must do it in the changing circumstances of life, and every one of them was called upon to do that by his vote as a good citizen." ‡

4.—It is the Duty of every Christian man to promote National Religion by himself living out the Christian Life.

In religious affairs we are inevitably driven back to the individual. Religion rests on the basis of personal conviction, and when you seek to put it on any other basis

* Assembly Proceedings, 1882, page 82.

† Union of the Presbyterian Churches of Scotland, Completed Report, page 18.

‡ Assembly Proceedings, 1886, page 84.

you annul it. A nation composed of living Christians is a Christian Nation, and you can build one no otherwise, nor make it better than the men who compose it. Mill finely says:—

> "The worth of a state in the long run is the worth of the individuals composing it." *

The personal religion of the people of a nation constitutes its National Religion. No statutory connection of Church and State can alter the character of the National Religion. This was well illustrated by the late John M. M'Candlish when he wrote:—

> "As obvious matter of fact, Christianity of the Presbyterian form has been the National Religion of Scotland ever since the Reformation, and was so not less at the time when, under the Stuarts, Episcopacy was the State Religion, than it is now." †

The whole of our contention here may be summed up in the words of Principal Lindsay:—

> "What was called the Establishment principle was not a principle at all; it was only the application of a principle—the wrong application of a right principle. The right principle was this, that he himself as a man, as a member of a nation and of the State, ought to dedicate himself—mind, soul, body, and purse—to the work of the Lord God, who had blessed him and called him to be His. Multiply that by the number of people of this nation and they got national religion." ‡

5.—National Religion is well expressed in Countries where there is no Establishment.

It must be already evident that a religious community does not need an Established Church to make its religion tell in these various forms on national affairs. But I may here cite three witnesses of commanding eminence as to the expression of Religion in the United States of America.

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* On Liberty, World's Classics Edition, page 141.

† Union of the Presbyterian Churches of Scotland, Completed Report. page 77.

‡ Assembly Proceedings, 1886, pages 113-114.

a. M. De Tocqueville.

In his standard work on "Democracy in America," De Tocqueville says that Americans everywhere attribute the peaceful dominion of religion in their country to the separation of Church and State. And he declares :—

> "There is no country in the whole world in which the Christian Religion retains a greater influence over the souls of men than in America." *

b. Professor Goldwin Smith.

In an Article in "The Nineteenth Century," Goldwin Smith wrote :—

> "I have lived both in a Canadian city and in a country town of the United States. I am much mistaken if society and life are not fully as religious there, under the free system, as they are in England under that of a State Church." †

c. Lord Bryce.

In his "American Commonwealth," Lord Bryce says :—

> "So far from thinking their Commonwealth godless, the Americans conceive that the religious character of a Government consists in nothing but the religious belief of the individual citizens, and the conformity of their conduct to that belief. They deem the general acceptance of Christianity to be one of the main sources of the national prosperity, and their nation a special object of the Divine favour." ‡

On the general subject of this Chapter I am able to introduce a Statement from a quite unexpected quarter, made as it was by Lord Selborne (then Sir Roundell Palmer) one of the most prominent defenders of Establishment who, while speaking against the Disestablishment of the Irish Church, made a handsome admission. He said :—

> "National religion as I understand it, is not any profession embodied in laws or forms and ceremonies

* De Tocqueville's "Democracy in America," Vol. I., Chapter xvii., pages 308, 313.

† "Nineteenth Century," October, 1891, page 529 ; Article, "The Question of Disestablishment," pages 521-539.

‡ The American Commonwealth, Vol. iii., page 503.

made by those who are at the head of the Government; but it is the religion of the people who constitute the nation. It may be, and must naturally be under many states of circumstance, that the religious convictions of the people will express themselves in the forms and institutions of their Government, Under all circumstances, they must exercise a great influence over public Legislation; and if the rulers are religious men, whether as members of a legislative body like this House, or as administrators of public authority in any other way, they will carry with them their religion, and be controlled and guided by its moral influence in the discharge of all parts of their duty. But the forms of national institutions do and must in this, as in all other respects, vary from time to time according to the circumstances of the country, and it is impossible to lay down *a priori* a rule to decide whether this change or that change tends to a departure from national religion, Every single individual will be in point of religion what he was before the change, and it is a monstrous and self-calumniating thing to say that an act of the nature now under consideration is an act of national apostasy." *

*3 Hansard CXCIV., pages 1908 and 1909; Speech of 22nd March, 1869.

CHAPTER XVII.

UNION.

"Nowhere have erroneous views as to the nature of unity been so mischievous as in the province of Religion. In the name of Christian Unity men have been asked to sacrifice the most sacred rights of reason, conscience and affection. Independence of judgment, honesty, brotherly love itself, and every quality which gives to human nature worth and dignity have been treated as incompatible with it. In former days, it was thought that Christian Unity could be forced upon men by violent and bloody hands, and in later times it has often been supposed that it could be promoted by wrathful words and the arts of worldly intrigue."—PROFESSOR FLINT. *

1.—The Call to Unity.

THERE is at all times a call to Christians and to Christian Churches to endeavour to keep the unity of the Spirit in the bond of peace, and at the same time to labour and pray for the fulfilment of Christ's prayer that all may be one. But it does not follow that we must amain co-operate with all Christian Churches or unite with them all. Union is not to be sought at the expense of principle, or along roads that promise no happy issue; nor can it ever be won by mere vague sentiment, or shifting and accommodating views of doctrine and polity. The divisions of the Church and its continued separations may be but working out a higher, richer unity. There has been much talk of late of the sin of schism, the scandal of disunion. But it must never be forgotten that it was the schisms and disunions, yea and the bitter ecclesiastical wars, that made Scotland great, and won for us so much of our civil and religious liberty. Moreover, co-operation may produce far happier relations than incorporation. There may be much unity where there is no uniformity, and much outward and forced uniformity where there is but little unity. The Act of Uniformity of 1662 was the greatest instrument of Disunion and Dispersion ever known in English History.

* Life of Robert Flint, D.D., LL.D., by Dr. Macmillan, page 318.

Nothing could be more apposite here than the words of Thomas Binney, in, his day the foremost preacher in London, and ever the champion of civil and religious liberty. Lord Shaftesbury called him "a flaming dissenter." In his "Dissent not Schism," he says :—

> "I am a dissenter, because I am a Catholic. I am a separatist, because I cannot be a schismatic. I stand apart from some, because I love all. I oppose Establishments, because I am not a sectarian. I think little of uniformity because I long for Union. I care not about subordinate differences with my brother, for 'Christ has received him,' and so will I" *

2.—The Great Divider.

Everywhere, and nowhere more than in Scotland, Establishment has ever been the great instrument of cleavage and disunion, the source of our bitterest divisions. It is the same in all countries. In connection with the debates on Disestablishment in France, M. Briand said :—

> "We ask complete separation from the State in order to establish the one form of Government under which peace may reign between the supporters of different faiths."

Not only does it separate churches, it splits the nation in halves, divides society, and lies like a geological fault across the country. Its action as a national breach-maker has been well described by Vinet :—

> "An institution which creates an exclusive privilege in favour of one sect, is unquestionably anything but favourable to national unity."

Again :—

> "If it be once proved that you cannot, by these means, hope to effect a true religious unity, and that you cannot even attempt so futile a task, it is equally certain that all you can accomplish by it, will be to widen the separation, and thereby proportionally to diminish national unity." †

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* "Dissent not Schism," by Rev. Thomas Binney, second edition, page 84.

† Essay on Religious Conviction and Separation of Church and State, pages 359, 362.

And so the Establishment comes in once again to do its appropriate work of splitting up a Church. The present argument for Union is based on what is called "the scandal of a divided Church." We say, Remove the stumbling-stone and rock of offence. So John Milton :—

> "Seeing these pretended Church Revenues, as they have ever been, so are like to continue endless matter of discussion both between the Church and the Magistrate, and the Churches among themselves, there will be found no better remedy to these evils, otherwise incurable, than by the incorruptest council of those Waldenses, or first Reformers, to remove them as a pest, an apple of discord in the Church."*

So Principal Cairns :—

> "We ask the State, therefore, to stand out of the way. We are as rude as Diogenes, who, when asked by the Macedonian King what favour he could show him, told him that all he asked was, that he should stand out from between him and the sun. We shall get Union when the State is out of the way." †

3.—The Pathway to Union.

In his Booklet on "The Site of Union," Dr. Carnegie Simpson shows that there is only one possible Basis of Union, and that—

> "wherever in the broad Presbyterian world Union has been consummated, it has been on the site of non-establishment." ‡

It would be easy to quote numerous Resolutions of Synod and Assembly, and utterances of the most responsible leaders of our Church, all to the same effect. Thus Dr. Rainy :—

> "I have long held that Disestablishment is indispensable with a view to reunion of Presbyterianism in Scotland. I am aware of the objection that Disestablishment would awaken feelings which might long delay Union. That is not impossible; still, I

* Milton's Likeliest Way; Works, St. John's Edition, volume iii, page 29.

† MacEwen's "Life and Letters of John Cairns, D.D., LL.D.," page 620.

‡ "The Site of Union," page 29.

> can only reply that there is no other way to it. Whatever else may be desirable with a view to the consummation, *Disestablishment is indispensable.* *

The same broad fact is writ large on the history of Church Union in all our colonies. Referring to the Imperial Act of 1853, and the Canadian Act of 1854, disposing of the Clergy Reserves in Canada and devoting them, as already explained, to secular purposes, Dr. Gordon Balfour says:—

> "This materially paved the way for the comprehensive Union of the various Churches, with their Established, Free, and Voluntary proclivities, which took place soon after."

In like manner, he shows that in New South Wales, when all State Grants for ecclesiastical purposes were abolished in 1862, negotiations for Union were immediately entered upon, and consummated three years later; that in Victoria, when all State aid was withdrawn in 1870, the United Presbyterians at once united with the others; and in South Australia the problem was easy from the first because the founders of the colony ordained at the very beginning that there should be "the most perfect religious freedom and equality, that no sect should enjoy special privileges, that no Church should be established or endowed." †

4.—No Union, but only Absorption is possible with an Established Church.

It is true that Article VI. of the proposed New Constitution declares that the Church of Scotland has the right to unite with another Church without loss of its identity, on terms consistent with the Articles. But a Union, *on equal terms*, between an Established and a Voluntary Church has never taken place, and never can take place. In 1839 took place what was called the Union of the Associate Synod with the Church of Scotland, and

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* Carnegie Simpson's Life of Rainy, page 73.

† Gordon Balfour's "Presbyterianism in the Colonies," pages 51-52, 108-110, 138-153, 193-197, 289.

the Act ordaining it was called an Act anent Re-Union with Seceders, but the terms show that it was a mere absorption :—

> "The General Assembly, with the consent of the Presbyteries of this Church, enact and ordain, that all the Ministers of the Associate Synod, and their Congregations in Scotland, *desirous of being admitted into connection and full communion with the Church of Scotland, be received accordingly.*" *

It was for this reason that, as already indicated, overtures from the Church of Scotland were consistently declined in former days by our Church in both of its branches. In 1878 the General Assembly of the Church of Scotland made approach both to the Free and the United Presbyterian Church, stipulating that they must maintain inviolate the principle of the national recognition of the Christian Religion as contained in the Confession of Faith, and the sacredness of the ancient religious endowments, but desiring conference—

> "as to the causes which at present prevent the other Churches from *sharing the trust now reposed in this Church alone.*"

In the following year the Synod of the United Presbyterian Church, after expressing their full appreciation of the brotherly spirit of the communication and the frank and friendly manner of the approach, made answer :—

> "In an equally frank and friendly spirit this Synod desires to reply to the Assembly's communication, that in accordance with the principles and history of this Church, *it is impossible for the Synod to contemplate sharing with the Established Church the trust reposed in it by the State.*"

The Free Church in their reply the same year felt it to be their duty frankly to call the attention of their brethren of the Established Church to the Claim of Right adopted in 1842, and to the Protest laid on the table of the General Assembly in 1843; and in regard to "the trust

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* Acts of the General Assembly of the Church of Scotland, 1638-1842, page 1094.

now reposed in the Established Church alone" they make reply—

> "Whatever may be the sense in which this phrase is to be taken, it seems plain that any useful conference must have regard to *the far higher trust* committed to the Presbyterian Church of Scotland by her Divine Head, and to the duties which fidelity to that trust implies." *

That absorption only, and not Union, is possible with an Establishment, however reconstructed, the following words of Principal Rainy made abundantly clear:—

> "The question was the relation in which the Church was placed to the State. They could not join a Church without taking up the relations of that Church; unless that Church laid down those relations, they shared them. They could not form one Church without that Church being either related to the State, or not related to the State. If they entered the Established Church as it stood, or in any conceivable way in which it might stand, still holding statutory connection to the State, then, those Statutes bound them, they bound the Church, they controlled the action of the Church, and there was nothing better established in law than that the Courts would interpret the Statutes, and then they must conform to the Court's decision." ‡

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* Union of the Presbyterian Churches of Scotland, Interim Report, pages 78-86.

‡ Assembly Proceedings, 1901, page 184.

CHAPTER XVIII.

THE QUENCHING OF FREEDOM.

"There are two Kings and two Kingdoms in Scotland; there is King James, the head of this Commonwealth, and there is Christ Jesus, the King of the Church, whose subject James the Sixth is, and of whose Kingdom he is not a king, nor a lord, nor a head, but a member."

—ANDREW MELVILLE to KING JAMES, 1596.

I PROPOSE in this chapter to show where the Church of Scotland, as by law established, was placed by the legal decisions ranging from 1838 to 1843, and issuing in the Disruption. I will seek so to arrange them that they will speak for themselves, and gather their own cumulative effect. And surely they must be optimists indeed who think that a general Declaration of Liberty recognised by Parliament, or the four lines to be inserted in the Preamble of the Church of Scotland Bill, with the view of the Articles overruling the Statutes and laws in questions of construction,* will suffice to render innocuous these fundamental decisions and the underlying Statutes from which they spring. Nor will it be found possible to question either the logic or the justice of the decisions themselves, so long as you are dealing with a Church "by law established."

1.—The Church, as Established, a Creature of the State.

In the second Auchterarder Case, Lord President Hope said:—

> "If these gentlemen wish to maintain the situation of what they call a Christian Church, they would be no better off than the Catholic Church, or the Episcopal Church, or the Burghers, or the Anti-Burghers; but when they come to call themselves the Established Church—the Church of Scotland—what makes the Church of Scotland but the law? They

* Church of Scotland Report, 1919, page 29; United Free Church Report, 1919, page 5.

are the Church of Scotland only so far as the law has established their Church." *

In the Stewarton Case, the same Judge, speaking as Lord Justice Clerk, said :—

"The Church of Scotland is wholly, as an Establishment, the creation of Statute."

And Lord Wood said :—

"The Church, as an Establishment, is the creation of Statute." †

2.—The Head of the Church.

Referring to the doctrine that our Saviour is the only Head of the Kirk of Scotland, Lord President Hope, in the first Auchterarder Case, declared :—

"In the proper sense of the word that is true—as He is also the Head, properly speaking, of every Christian Church. He is the Founder of the Christian Religion, the object of our worship, of our faith, of our hope, and of our fears. And it is also true, that the King is not the Head of our Church, in the sense in which he is the Head of the Church of England, in virtue of which he can regulate the Form of Prayer, and do many things, which by his sole authority he cannot do in our Church. But that our Saviour is the Head of the Kirk of Scotland in any temporal, or legislative, or judicial sense, is a position which I can dignify by no other name than absurdity. The Parliament is the temporal head of the Church, from whose acts, and from whose acts alone, it exists as the *National* Church, and from which alone it derives all its powers." ‡

3.—The Church *versus* the Establishment.

In the Stewarton Case, Lord President Hope said :—

"The spiritual authority of an Establishment cannot exist *in law*, except in so far as the Legislature

* Reports of the Court of Session, Dunlop, III., page 197 ; 5th March, 1841.

† Special Report on the Stewarton Case, Bell and others, pages 52 and 72 ; 20th January, 1843.

‡ Robertson's Special Report on the Auchterarder Case, II., page 10 ; 27th February, 1838.

has allowed or sanctioned that authority. The Establishment, without the particular authority which may be claimed for it, may be very defective and imperfect, if viewed *as a Branch of the Church of Christ.* But it does not follow that it has received the authority which it claims, merely because it may be thought that it ought to possess such authority; nor does it follow that the authority given may not have been incompetently and illegally exercised in the particular case." *

4.—Who Redds the Marches.

Lord Meadowbank said in the first Auchterarder Case:—

> "Holding the Church to be but the creature of the law, and that every power which it possesses is derived from the law, it must follow, as a necessary consequence, that if those powers of regulating its own affairs, which it has nicknamed a power of legislation, are exceeded, the Church, like every other body of temporal creation, must, in the exercise of its temporal powers, whether of adjudication or alleged legislation, be subject to the control of the Civil Magistrate represented by your lordships." †

In the first Strathbogie Case, Lord President Hope said:—

> "The Church Courts say that they have an independent jurisdiction; but who gave them any jurisdiction? The law, and that alone gave it; and the law defines what it has so given." ‡

In the Stewarton Case, Lord Wood declared:—

> "It cannot be maintained that the Body receiving Statutory rights and privileges—whatever be their nature—is itself to be the uncontrolled Judge of their extent; for then the power of usurpation would

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* Special Report on the Stewarton Case, Bell and others, page 53; 20th January, 1843.

† Robertson's Special Report on the Auchterarder Case, II., page 109; 28th February, 1838.

‡ Dunlop's Reports, Vol. II., page 606; 14th February, 1840.

be complete, and the most lax act might be indefinitely enlarged, and used as the warrant of acts altogether unauthorised." *

5.—The Church can make Bye-Laws!

Lord Gillies, who gave the leading decision in the Auchterarder Case, was good enough to admit that, on certain matters touching its discipline and government, the Church could make Bye-laws in the same manner as other corporations make bye-laws :—

> "As to the Assembly's legislative powers, I humbly think, with Bankton, that they are just analogous to the powers or privileges of corporations to make bye-laws. Its laws are perfectly good, if they are completely consistent with the law of the land, and do not interfere with civil rights ; but good for nothing, if inconsistent in any degree with either. Good also, if ratified by Parliament—as are the bye-laws of the town of Edinburgh and other corporations." †

6.—The Lesser and Restricted Jurisdiction Granted.

In the first Auchterarder Case, the Lord Justice Clerk said :—

> "No right can ever be assumed by this Court of interfering in any way with the Church in the exercise of its proper ecclesiastical functions—in deciding ecclesiastical causes, or in legislating in matters purely clerical." ‡

In the House of Lords Auchterarder Appeal Case, Lord Brougham said :—

> "Prove to me your position, that this is a matter of ecclesiastical cognisance, by which I mean of exclusive consistorial cognisance—then I say that the Court of Session will be excluded." **

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* Report on the Stewarton Case, Bell and others, page 72; 20th January, 1843.

† Robertson's Special Report on the Auchterarder Case, II., pages 25 and 26 ; 27th February, 1838.

‡ Robertson's Special Report on the Auchterarder Case, II., page 75 ; 27th February, 1838.

** Scots Revised Reports, House of Lords, VII., page 186 ; 3rd May, 1839.

In the Lethendy Case, the Lord Justice Clerk admitted that the Church stood quite independent "in the exercise of its proper ecclesiastical rights and functions." *

In the first Strathbogie Case, in the leading opinion Lord Gillies declared :—

> "And so, in spiritual courts, a limited jurisdiction exists, and their proceedings cannot be reviewed and set aside in the Civil Courts, unless there be excess of power committed by them." †

7.—The Larger Jurisdiction entirely Denied.

In the Stewarton Case, Lord Justice Clerk Hope said :—

> "I cannot admit that an Establishment, instituted by Statute, can claim or legally possess any authority from a Divine source, which the State, constituting the Establishment, may not have thought fit to acknowledge as belonging to it. And, of course, I cannot admit that an Establishment can ever possess an independent jurisdiction, which can give rise to a conflict as between two separate and independent jurisdictions." ‡

8.—No Legislative Action Legitimate.

In the Auchterarder Appeal Case, Lord Chancellor Cottenham said :—

> "If such be the construction of the Statutes, of what purpose can it be to consider the supposed legislative power of the General Assembly? For it cannot be contended that there can exist in the General Assembly any legislative power to repeal, control, or interfere with enactments of the Legislature." **

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* C. Gordon Robertson's Report on Proceedings of the Court of Session in the Lethendy Case, page 68 ; 14th June, 1840.

† Dunlop's Reports, II., page 591 ; 14th February, 1840.

‡ Special Report on the Stewarton Case, Bell and others, page 53 ; 20th January, 1843.

** Scots Revised Reports, House of Lords, VII., page 193 ; 3rd May, 1839.

Lord Cuninghame, in the third Strathbogie Case, declared:—

"In so far as the Church claims the station and privileges of a supreme Legislature, the pretension is essentially unfounded. In the words of Erskine, they derive their whole powers from the State, through the Acts of the Civil Legislature." *

9.—The Assertion of Spiritual Independence is Unavailing.

The Lord Justice Clerk said in the Lethendy Case:—

"No assertion of her Spiritual Independence can place the Church above the law of the State; and no use of the term "Call" can, as the Lord Chancellor emphatically puts it, be maintained against the Statutory right. So long as she looks to the Law for the maintenance of her just rights and privileges (and which the Law will always be ready to support) the Church must be prepared to give implicit obedience to what the Law declares to be the right of any other body or individual in the community." †

10.—Spiritual Independence is Rebellion.

In the House of Lords Auchterarder Appeal Case, Lord Brougham said:—

"The only thing they now think of is the victory of them, the Churchmen, the pastors of Christ's flock, over the Judges, the Supreme Judges of the land, and over the law of the land itself; a victory to be won by setting up Acts of their own, which they have no title to pass, against Queen, Lords and Commons—the Statute Law of the Realm." ‡

11.—The Conditions of Establishment.

In the Culsalmond Case, we have the following Deliverance of Lord MacKenzie:—

"And of this gift of the Establishment, with its

* Dunlop's Reports, Vol. V., page 919; 10th March, 1843.

† C. Gordon Robertson's Report on Lethendy Case, page 68; 14th June, 1839.

‡ Scots Revised Reports, House of Lords, VII., page 188; 3rd May, 1839.

condition, the Presbyterian Church accepted, which bound her in good faith, as well as allegiance, to observe the conditions, and admit the qualified presentee." *

12.—The Overbearing Authority of the Statutes.

In the Auchterarder Appeal Case, the Lord Chancellor Cottenham, referring to the supposed fundamental law against intrusion, said :—

"Whether there is, or ever was, a law of the Church of Scotland is perfectly immaterial, if the statutes contain enactments and confer rights inconsistent with any such principle, or with the execution of any such law." †

13.—Passive Obedience.

In that same Case, Lord Brougham, in his leading opinion, said it was indecent to suppose any refusal of the Church Courts to obey the House of Lords ;—

"You might as well suppose that the Court of Session, when you remit a cause *with orders* to alter the judgment, would refuse to alter it." ‡

On this aspect, Lord Cottenham also said at the same time :—

"I cannot doubt but that the Clergy of Scotland will, by their conduct and example, inculcate *the sacred principle of obedience to the law*, of respect for the rights and interests of others, and of *the sacrifice of private feelings to the performance of public duty.*" **

14.—Interdicting Spiritual Acts.

In the first Strathbogie Case, on the Commission of Assembly taking certain steps against the recalcitrant ministers of the Presbytery of Strathbogie, these ministers

* Dunlop's Reports, IV., pages 10-11 ; 10th March, 1842.

† Scots Revised Reports, House of Lords, VII., page 194 ; 3rd May, 1839.

‡ Scots Revised Reports, House of Lords, VII., page 186 ; 3rd May, 1839.

** Scots Revised Reports, House of Lords, VII., page 201 ; 3rd May, 1839.

applied to the Court of Session, which passed the following interlocutor, interdicting from preaching those who were appointed to carry out the Assembly's Mandate :—

> "Interdict and prohibit all and each of them from preaching in or intruding into the Churches or Churchyards or Schoolhouses, in the respective Parishes of the Complainers, and from serving or intimating the said service and deliverance to any of the Complainers, and from intimating and promulgating the same in any of the said parish Churches, Churchyards or Schoolhouses, and from using the Church Bells in any of the said parishes: and interdict and prohibit all Presbytery and Session Officers or others from serving or intimating the said Resolutions and Deliverance to the Complainers, or any of them, and from intimating and promulgating the same in the Churches, or Churchyards, or Schoolhouses in the parishes of the Complainers, as aforesaid; and from using the Church Bells, as aforesaid." *

15.—Ordering Spiritual Acts.

In the second Strathbogie Case, the Court granted a decree that the Presbytery were obliged, bound, and astricted to receive and admit the rejected presentee. On that occasion Lord Gillies said :—

> "Now, is it not essential and necessarily implied in every Act of Parliament, that the same shall be enforced, and obedience to it *ordered and compelled by the King's Court, by the Supreme Judicature of the country?*" ‡

We fittingly close with Lord MacKenzie, who said in the same connection :—

> "It seems to me too plain that, if the Civil Magistrate can make no order which implies that anything spiritual is to be done, the legal Establishment of the Kirk is null and void, and *a fit subject only for National Repentance.* ‡

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* Dunlop's Reports, Vol. II., page 258; 20th December, 1839.

‡ Dunlop's Reports, Vol. III., pages 294, 298; 18th December, 1840.

CHAPTER XIX.

THE QUEST FOR FREEDOM.

"*Who would be free, themselves must strike the blow?*"—Byron. *

1.—Church Patronage (Scotland) Act, 1874.

From the moment of the Disruption, the question of patronage ceased to be acute, partly because Lord Aberdeen's Benefices Act of 1843 gave Congregations and Presbyteries certain powers in the matter, and partly because patrons now paid greater deference to the desires of the people. In 1865, however, there began in the Church of Scotland a movement against patronage, and the Assembly of 1869 resolved to approach Parliament for its abolition. Mr. Gladstone's Government refused to take up the subject; but after the General Election of 1874, which placed Mr. Disraeli in power, the Church Patronage Bill was immediately brought in, and passed that same year. The original proposal of the Church was that the nomination of ministers should belong to elders, heritors, and communicants, and they had petitioned accordingly; but the Bill, as introduced, reposed the right of election "in the congregations" of vacant Churches. The Church itself was to frame the Regulations as to the mode of election, and already at the Assembly of 1874 it had laid down a plan by which declared adherents of a Congregation should have an equal vote with communicants.

The abolition of patronage was advocated mainly on two grounds. First of all, it was advocated in the interests of the Church itself. Principal John Cunningham says :—

> "It was felt patronage must be abolished, root and branch, to popularise the Church and enable her to hold her own in the midst of so much dissent." †

Principal Pirie of Aberdeen declared :—

> "If patronage remains, it is impossible that the Church can fail to die of inanition."

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* Childe Harold's Pilgrimage, Canto II., Stanza lxxvi.

† Church History of Scotland, II., page 547.

The Rev. Dr Gillan said :—

> "We are changing our tack to sheer off rocks ahead." *

Similarly in Parliament the Lord Advocate, who was in charge of the Bill, said his intention was to strengthen the Church. The other object was to make an approach to the Free Church. Dr. Norman Macleod, who was Moderator in 1869, said on the occasion of the deputation that year to Mr. Gladstone, the Prime Minister, that the special object aimed at was "the conciliation of the Free Church." So in the debate in Parliament, speaker after speaker spoke gallantly about removing the main obstacle to Union —a now familiar phrase. But, surely, it should be said at once that both these objects were worthy. To strengthen and extend one's own Church, to seek conciliation if not union with other Churches—these are both Christian duties. Moreover the other Churches had had their rise in opposition to patronage, and had been denouncing it for a hundred and fifty years. Why then, it may be asked, was the Bill received on all hands with fierce opposition, and the assigning of unworthy motives? Because a Church enjoying State privileges can never go to Parliament to secure larger liberties and new privileges without inevitably raising the whole question of its own Statutory position. This is as true to-day as it was forty-five years ago. The Right Honourable W. E. Baxter, member of Parliament for the Montrose Burghs, in leading the Opposition to the Patronage Bill in the House of Commons, said his own dissenting friends were rebuking him and telling him to be silent because the Church of Scotland in going to Parliament was admirably serving their turn and greatly hastening Disestablishment. They said :—

> "Every man with a head upon his shoulders must see that it would give rise to a state of confusion, which would throw all other denominations into the hands of the Liberation Society, and thus bring about the separation of the Church from the State in Scotland." †

Unworthy motives were assigned; and, as long as the

* Carnegie Simpson's "Life of Rainy," I., page 254.
† 3 Hansard, ccxx., page 1099; Debate of 6th July, 1874.

Church is a political institution, sinister motives will be constantly and publicly, if often wrongly ascribed. Mr. Gladstone, in opposing the Bill with great eloquence, said:—

> "The learned Lord (the Lord Advocate) says his intention is to strengthen the Church. But how? Why, by weakening other religious bodies, not by an honourable and straightforward offer to them, accompanied by a frank confession of offence, in order to reunite that which in former years was ruthlessly and unhappily torn asunder; but by investing the present Established Church with such wealth, and such unbounded liberty with respect to the interference of the Civil Courts, that you will confer such a condition of popular privilege on the laymen of the Established Church that laymen of the Free and United Presbyterian Churches will be tempted to come back into the Established Church (Mr. Gladstone made many mistakes!), and to leave their ministers to look out for themselves or to starve."

He added:—

> "The obvious complement of the learned lord's sentence was, that he desired to strengthen the Established Church by inducing adherents of Dissenting Bodies to come over man by man, and I ask the question fairly and publicly, Is this a fair or generous course?"*

Nor were the railing accusations confined to dissenters. One of the ablest Parish Ministers of the day was Rev. Dr. Wallace, afterwards editor of the *Scotsman*, and later member of Parliament for East Edinburgh. He was minister of the Parish of Old Greyfriars and Professor of Church History in the University of Edinburgh at the time of the passing of the Act. He had proposed on the floor of the Assembly that the voters in a Parish Church vacancy should be "the whole ratepaying parishioners professing themselves Christians." And now in the columns of the *Scotsman* he vigorously assailed the Bill.

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* 3 Hansard CCXX., pages 1122, 1126; Debate of 6th July, 1874.

Thus he wrote:—

> "The Church has abdicated its claim to be co-extensive with the Nation, and defines itself to be a fraction of the population bent on appropriating to itself what belongs to all. What is proposed to be enacted is a re-establishment, based on a reversal of the Revolution settlement. . . As things stand, it may be hurried through and be for the moment successful, but it will not contribute to the longevity of the institution about to be formally deprived of its national character that its fortunes have become inseparably identified with the losses or gains of Toryism." *

Much was said of sheep-stealing. Dr. Lyon Playfair (afterwards Baron Playfair), himself a Churchman, and then, as long afterwards, representing St. Andrews University in Parliament, said in the Commons debate:—

> "No doubt, the Church hopes by throwing open its doors more widely than in the past, to tempt the sheep which have strayed to re-enter into their ancient folds. But the Bill has not commended itself to the Clergy of the Dissenting Churches, and they are the shepherds who have gathered the sheep securely into other folds." †

No, neither shepherds nor flocks that have come down to the green rich pastures of the lowlands welcome a return to the moorlands, even if they know that the surrounding fence has been moved a little way further down the hill.

Dr. Lyon Playfair went on very aptly to quote Macaulay in words which are as true to-day as they were in 1874:—

> "Concessions which would once have extinguished Non-Conformists, would not now satisfy even one-half of the Non-Conformists." ‡

With dissenters the issue ever broadens; and, to put it plainly, they want no return. And so it was that Henry

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* "Life of Robert Wallace," pages 207-208; Article of 19th June, 1874.

† 3 Hansard, ccxx., page 1152; Debate of 6th July, 1874.

‡ 3 Hansard, ccxx., page 1153; Debate of 6th July, 1874.

Campbell Bannerman, *nomen clarissimum*, declared in the Commons debate that—

> "the Free Church went out on the higher ground of spiritual independence, and that patronage was only the overt occasion of the Disruption."

And again, that it was but putting—

> "the new wine of democracy into the old bottle of a State-Church." *

Indeed, the action of the Church was taken as a challenge. Liberals declared that the Church herself was responsible for gratuitously raising the Disestablishment question. The Free Church at once took up the challenge; maintained that the Protest of 1843 was not met; protested strongly against legislation at the instance of one body of Christians, without enquiry into the conditions, convictions, or wishes of the people generally; and declared that the entire disregard with which other Churches had been treated was particularly unbecoming." † All which they passed by 433 votes to 56, and then proceeded to adopt their first Disestablishment Resolution.

The United Presbyterian Synod came out with one of its robust resolutions that make us sigh for vanished days, but days that surely will return. We gladly give space to these extracts from it, applicable as they are, in every sentence, to the present situation:—

> "The Synod, being opposed in principle to civil Establishments of Religion, condemns all legislation designed, as this Bill is, to extend and perpetuate the system, or to popularise its operation. The Bill is directly antagonistic to the position which the Synod firmly holds, that the legislation immediately demanded, and which alone can meet the circumstances of the case, is Disestablishment and Disendowment."
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> "They (the Church of Scotland) need no Bill like the present to rid them of the grievance of patronage. If that is all they seek, a Disestablishment measure will, equally and better, set them free to choose their own ministers, at the same time that

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* 3 Hansard, ccxx., pages 1555-1556; Debate of 13th July, 1874.
† Assembly Proceedings, 1874, page 297.

it will relieve other churches and citizens of the injustice and grievance of which they complain in the system of Establishment and Endowment."

"This legislation would open a door to attempts to relax or throw off the legitimate control of the state over its beneficiaries, to set up a system of rights without duties, of patronage without responsibility, and to combine ecclesiastical independence with State Endowment—a result which would be favourable neither to religion nor liberty." *

The measure being passed, the United Presbyterians thought the event so important that they took the unusual course of calling a *pro re nata* meeting of Synod, and that was held on 17th December, 1874, and was made memorable by the rugged philippic of Dr. Hutton, who spoke of the blacksmith adding some yards to the chain, and declared :—

"The very Act bears on its face the tale of the Kirk's subjection—'Be it enacted by the Queen's most excellent Majesty with the consent of the Lords, spiritual and temporal, and Commons in this present Parliament, and by the authority of the same.'" †

But neither did dissenters stand alone. Already Dr. Wallace had written in the *Scotsman* an article in which he referred to the meeting of the Church of Scotland Commission where the first steps had been taken to bring the new Act into operation, and to the hopes that were entertained of coming desertions from the competing Churches ; and then he concluded bitterly :—

"The proceedings of Wednesday seem to show clearly that the Commission regard the election of ministers as a 'civil' transaction, in the superintendence of which they act merely as a sort of Patronage Department of Government under special statute." ‡

These adverse views were soon to find confirmation in legal decisions, and on 15th December, 1878, Lord President Inglis delivered the judgment of the Court of

* Synod Papers, Vol. II., 1874-1896, pages 237-240.

† Life, by Oliver, pages 82-83.

‡ Life of Robert Wallace, page 209 ; Article of 16th October, 1874.

Session in the case of Stewart *v.* the Presbytery of Paisley, in which it was declared that the Congregation had—

> "no quasi-corporate or collective right or function *except that conferred by the Statute.*"

The Presbytery were held to be only "statutory trustees" in the matter; and the jurisdiction and right of enforcing the Statute were assigned not to the General Assembly, but to the Supreme Civil Courts:—

> "Being legal rights depending on statute, their enforcement or a challenge of their validity in any particular case can only be tried in the tribunal which is appointed to interpret and enforce the Statutes of the Realm; that is, the Supreme Civil Court, unless the jurisdiction and duty have been conferred on some other tribunal." *

2.—The Finlay Bill, 1886.

In 1886, Mr. Robert Finlay (now Lord Finlay), at that time member of Parliament for the Inverness Burghs, introduced into the House of Commons a Bill declaring the exclusive jurisdiction of the Church of Scotland in matters spiritual. The first clause declared that by the Constitution of the Church of Scotland—

> "the Church had the exclusive right to regulate, determine, and decide all matters spiritual, and that Civil Courts should not interfere with the Church Courts in determining such matters."

It is right to say that this Bill was not introduced at the instance of the Church of Scotland. Their committee on the subject declared that the Church was in no need, on her own behalf, of such a Declaration of Independence; that she already possessed an exclusive jurisdiction in matters spiritual; and that she had had no part in the new movement. The Bill rather represented the views of those Free Churchmen, opposed to Disestablishment, who thought the gulf between the two Churches might be bridged. Mr. Finlay in moving the Second Reading of the Bill said its object was "to remove obstacles to the reunion of the Presbyterians of Scotland." Mr. J. A. Campbell said it

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* Rettie's Reports, Vol. VI., pages 178-185; 15th November, 1878.

was proposed "on behalf of those who would wish to be reunited to the Church." While Sir Robert Anstruther, in now familiar words, declared:—

> "The Bill was introduced in the interests of the Free Church."

Sir George Trevelyan, however, had his own views of the purpose of the Bill:—

> "The object of this Bill is to efface the distinction between the Established Church and the Free Church, and to draw, not the Free Church, but parts of the Free Church, into the ancient fold of the Established Church."

He bluntly declared his opposition, on unassailable grounds, to the whole measure:—

> "To give an Established Church real and genuine independence, is what I trust the State will never consent to."

In the end the Second Reading was defeated by a majority of 25, there voting 177 for it, and 202 against it. *

As for the Free Church, in whose interests it was said to be designed, they would have none of it. They held that the Bill was a truism, conceding a jurisdiction that had never been questioned, but doing nothing to prevent the State defining the bounds of that jurisdiction; and they objected that the adverse legal decisions were left unrepealed on the Statute Book, and every one of them could be repeated under the measure. † Principal Rainy went up to London to oppose the Bill, and the General Assembly of 1886 declared by 476 votes to 98—

> "that no such measure would be regarded by this Church as a reason for resuming her connection with the State." ‡

In supporting that motion, Dr. Rainy used words exceedingly apposite to the present situation. He said they knew that their friends of the Established Church accepted the Bill on the footing that it made no change, that he objected

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* 3 Hansard, cccliii., pages 1057-1128; Debate of 17th March, 1886.

† The Law of Creeds in Scotland, by Dr. A. Taylor Innes, pages 124-125.

‡ Assembly Proceedings, 1886, page 126.

to *ambiguous legislation*, and that all legislation was ambiguous in regard to which *authorities differed as to what it meant*, and that their principles and the substantial religious interests connected with them could not be secured by—

> "a mere tinkering alteration of the conditions on which the present Establishment was connected with the State."

He concluded thus:—

> "The view he took was that all Acts like that of Mr. Finlay's were of such an untrustworthy kind, that it would be sheer flying in the face of all warnings which the Church had given them to trust themselves on such grounds as that. Where would their security be under such legislation?" *

3.—Later Bills, 1893-1898.

Under the inspiration of the Laymen's League, which aimed at Union on an Establishment basis, a measure similar to the Finlay Bill, but on somewhat broader lines, was introduced by Sir James A. Campbell in 1893. It was a measure that would have commended itself to some present day types of mind, for it was characterised by the Church of Scotland Committee as a Bill which expressed—

> "*neither approval nor disapproval of those who went out in 1843, or of those who stayed in.*" †

At length, however, the Church itself took up the question of its own liberation; and in 1898, Dr. Mair of Earlston, as chairman of a committee on legislation, presented to the Assembly a "Draft Bill to Declare the Jurisdiction of the Church of Scotland." It went beyond the previous Bills in that, where the Civil Court held that the jurisdiction of the Church had been exceeded in any Deliverance of the General Assembly, the court, while still protecting patrimonial rights and interests, was not in any way to disturb the Deliverance. The measure met with considerable opposition in the Assembly. Lord Balfour of

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* Assembly Proceedings, 1886, page 82.

† The Law of Creeds in Scotland, by Dr. A. Taylor Innes, page 125.

Burleigh viewed it "with doubt, almost with alarm." Principal Story was against going to Parliament on such matters:—

> "What Cæsar gave, Cæsar could take away."

The Assembly cautiously resolved to go forward only if it appeared that a considerable body of opinion outside the Church was in favour of such a Bill, though willing to support it if it were promoted by others. At the same time the Assembly once again expressed itself as—

> "satisfied of the independent and exclusive jurisdiction of the Church in spiritual matters." *

4.—The Formula, 1899-1905.

As in other Churches, so in the Church of Scotland, a desire grew up to have a less rigid adherence to the Confession of Faith than the Formula in use implied. Some adjustment was made in this direction by an Act of 1889, but the subject still pressed, and a Committee appointed in 1899 reported in the following year that the subscription to the Confession and the Formula of Adherence were alike binding on the Church, and that in the opinion of counsel the wider forms of Formula submitted were not competent under the Act of 1693. Consequently another Committee was appointed with the wider purpose of examining the whole powers of the Church with regard to the Confession of Faith. This Committee reported in 1901 that it was not within the power of the Church to make any alteration in a document occupying such a position in the Statutes of the Realm. They admitted that the Confession itself laid down the duty, if need be, of revising and altering its own Articles, but they were not free to move because—

> "the Confession is embodied in an Act of Parliament and is established as the Confession of the Church as at present established, and another Act of Parliament enjoins its being subscribed by preachers and ministers."

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* The Law of Creeds in Scotland, by Dr. A. Taylor Innes, pages 126-128.

And they frankly declared in conclusion—

> "that it is not within the power of the Church as at present established to make any change in the Confession of Faith without statutory sanction;"

and further—

> "that the Church has no power, by a Declaratory Act or otherwise, to modify, abridge, or extend any Article of the Confession." *

In speaking to the Report, Dr. Mair of Earlston declared his own approval of the Report and of the legal opinions, but advised that the Assembly should not commit itself to these, and his reason was this:—

> "The Church ought not to commit itself to any legal pronouncement upon a matter like this, for *the Church would not have the last word on a question which entered into the constitution of the Church. It would be the Civil Courts that would have the last word upon a matter like that.*"

He deprecated resort to the Barrier Act, which, he said, sixty years before, had brought in "*ultra vires* legislation," and split the Church; and he warned them against the cry of Spiritual Independence:—

> "That phrase was an old friend and an ill-fated cry."

But there were many who championed the freedom of the Church, even if it were to mean the snapping of the State bond. Dr. Story declared that, in view of the Confession's appeal from itself to the Word,—

> "the idea of the Confession being confirmed and ratified by Act of Parliament was inconsistent with the idea of Protestant freedom and the Reformed Religion."

And in his concluding speech he said:—

> "The Bishop of Peterborough once said that he would rather see England free than sober. He (Dr Story) would rather see the Church of Scotland free than the Church of Scotland held and bound for all time to come in the fetters of Calvinism."

On a vote 178 voted for receiving the Report of Dr. Mair

* Reports on the Schemes of the Church of Scotland, 1901, pages 1053-1056.

and the Committee, with an Addendum, while 146 voted for adopting the Minority Report of Dr. Story and Mr. Vary Campbell.*

In the following year, 1902, four overtures were again tabled on the subject, but the Assembly by 98 to 58 refused to appoint a Committee to travel further in the subject; and the leaders, one after another, in the most emphatic way, repudiated all suggestion of going to Parliament. Thus Dr. Scott:—

> "He could not conceive it probable in the state of political opinion now, and for years to come, to go to Parliament to get rid of this formula. Their own people would rise up against them; certainly the Dissenters of Scotland would rise against them; the Non-conformists of England would oppose them; and even those members of the Cabinet who were favourable would oppose them, because they had to depend, as a Unionist Government, on the votes of Non-conformists. They would tell them—'*You wish to get rid of the Statute; well, let's drop the connection between Church and State.*'" †

Dr. Mair was equally frank and refreshing. After declaring that further examination of this question was utterly futile, he proceeded—

> "He did not want to go to Parliament and make a fool of himself. The present Parliament would not handle such a question; the next Parliament would not do so; and the next Parliament might, by its attitude on the question, save the Church the trouble. *To go into Parliament on that question was to come out disestablished.*" ‡

And so the Assembly settled down definitely against going to Parliament, but the year 1905 saw a wonderful change. The men who would not on any terms go to Parliament were now in the forefront of the movement to take the question of the Formula to Westminster. The Assembly was unanimous. Something had happened in

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* The Law of Creeds in Scotland, by Dr. A. Taylor Innes, pages 138-148, and 187-202. The "Scotsman," 28th May, 1901.

† The "Glasgow Herald," 30th May, 1902.

‡ The "Scotsman," 30th May, 1902.

Scotland. Some disputed goods were locked up, and a new Formula might be the key to open the door, and restore them to their rightful owners. And so, for once, the Church of Scotland and the United Free Church went to Parliament, not together, but simultaneously; and Clause V. was passed, repealing by Schedule the relative Clauses in the Acts of 1693 and 1707, and ordaining that the Formula shonld be such as might be prescribed by Act of the General Assembly of the Church of Scotland with the consent of the majority of the Presbyteries thereof. Even in the passing of this Clause, the full control of the State over the Church was re-asserted. Thus Mr. Asquith, explaining why he voted for the Clause:—

> "I did so because I did not see my way to refuse the claim of the ministers of the Church of Scotland to a relaxation in the direction of intellectual honesty and liberty, which at the same time did not seem to me substantially to impair such power of control as the State in this kingdom still possesses over the Established Church." *

It will clarify the position if we quote here some of Dr. Hutton's great pronouncements on Clause V. He said it was only bestowing a little more privilege on the privileged, and confirming the sectarian inequality of the Establishment. He declared in words which we most emphatically endorse as for the present hour:—

> "Those who regard the system of Establishments as evil cannot connive at its continued aggrandisement by allowing to it the liberties of Free Churchism."

To John Morley, who had voted for the Clause in the name of Liberty, he repled:—

> "'*Liberty* is good for the soul, a great glory of the human soul,' says Mr. Morley, most truly. And so is *Justice* good for the soul, a great glory of the soul—in private and in public life."

He declared it to be on its face a Pro-Establishment measure—a fresh defiance and flout of all Nonconformity and Spiritual Independence underived from the State; a fresh privilege to the Establishment with the dazzling

* The "Glasgow Herald," 10th October, 1905.

name of liberty; an ingenious simulacrum of Spiritual Independence. And he summed it all up in these great words:—

> "The 5th Clause is not the liberty of Christ. While the Church of Christ in any section suffers itself to depend on State support or authority; while it fails to realise the *support of religion to be the spiritual privilege, honour, and responsibility of His people*, it is still in the bonds of the Establishment principle, in the fetters of the Secular Power. Though enfranchised by any number of 5th Clauses *its liberty is maimed and false*, wanting the separating act which emancipates from all control but His who said, *I receive not honour from men.*" *

5.—General Principles.

It is implied in the very existence and position of an Establishment that freedom is curtailed. Every definition of Establishment implies it. Hallam says:—

> "The Church has undoubtedly surrendered a part of her independence, in return for ample endowments and temporal power." †

So Warburton declares that, under the alliance of Church and State, the State supports and protects the Church; and, in return, the Church not only applies its utmost influence in the service of the State, but it gives up its independence, and concedes the ecclesiastical supremacy of the Civil Magistrate. ‡

Professor E. A. Freeman, the historian, defines Establishment in these terms:—

> "The State makes its bargain with the Church, by which bargain the Church receives from the State a special protection, while, on the other hand, it has to submit to a large measure of State control from which, if it refused the terms, it might remain free." **

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* Dr. Hutton's "Disestablishment, the *Sine Qua Non*," pages 1-16.

† See "National Church Establishments," by Ralph Wardlaw, D.D., pages 346-347.

‡ Warburton, "The Alliance between the Church and State," Book II., Chapter 3; Works vii., pages 106-107.

** Freeman's "Disestablishment and Disendowment," Fourth Edition, pages 27-28.

This control must extend to doctrine. In Macaulay's words, Establishment—

> "arbitrarily unites certain worldly advantages with one set of doctrines, and certain worldly inconveniences with another set." *

Lord Medwyn, in giving his judgment in the first Auchterarder Case, said:—

> "It is from a higher source than the temporal power that the Church derives its existence and rights; no less than from that power 'which gave Christ to be a head over all things to the Church which is His body.' But when this independent Society asks, not toleration merely from the Civil Power, but Establishment; when it claims titles and permission to acquire property; demands authority to levy contributions for ecclesiastical purposes; requires enforcement of its decrees in support of its temporal rights . . if the State agrees to recognise and establish the Church making such claims, it may do so on such conditions as shall be thought just and expedient. *The Church may retain its independence if it pleases, but if it accepts adoption by the State, it must accept it according to the conditions on which the State is willing to grant it.*" †

It has been thought, indeed, that the Church might retain all the State endowments, and shed entirely the State control. This was the position taken up by Thomas Cartwright in his celebrated "Admonition to Parliament," published in 1572. He desired to see in England a Church after the Presbyterian model, established and endowed, protected and supported by the State, yet left absolutely free in all spiritual affairs. Thus he said:—

> "'Tis the prince's province to protect and defend the councils of his clergy, to keep the peace, to see their decrees executed, and to punish the contemners of them; but to exercise no spiritual jurisdiction." ‡

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* Macaulay's "Gladstone on Church and State," page 12.

† Robertson's Report on Auchterarder Case, Vol. II., pages 147-148; 1st March, 1838.

‡ Hallam's Constitutional History of England, Vol. i., pages 185-188; Neal's "History of the Puritans," New Edition, Vol. i., page 94.

It was with the same conception that Chalmers defined Establishment as a sure legal provision for the ministrations of Christianity. He thought thus to exclude all necessity of public control. He said:—

> "There might be an entire dependence on the State in matters temporal, without even the shadow of a dependence upon it in things ecclesiastical." *

But such a position is opposed to every sound principle of public government, and should be steadfastly resisted by all public men. It is civilly unjust; it is constitutionally impossible. You can't take Cæsar's gold, and at the same time renounce Cæsar's sceptre. The late Professor James S. Candlish, of Glasgow College, said on this point:—

> "Since the State in this way is involved in responsibility for the religion that it supports, it must control its own endowments, and it has not been found practicable to do this without controlling the Church in spiritual acts." †

Edmund Burke, who in his "French Revolution" is a strong defender of the Church Establishment for England, yet speaks in the clearest terms on the subject before us. When, in 1772, certain Anglican clergymen joined in a petition to Parliament, praying to be relieved from subscription to the Thirty-nine Articles as required by the Act of Uniformity, they found in him one of their strongest opponents. He said:—

> "They want to receive the emoluments appropriated for teaching one set of doctrines, whilst they are teaching another. A Church, in any legal sense, is only a certain system of religious doctrines and practices, fixed and ascertained by some law; by the differences of which laws, different Churches (as different Commonwealths) are made in various parts of the world; and the Establishment is a tax laid by the same sovereign authority for payment of those who so teach and so practise. For no legislature was

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* Select Works of Dr. Chalmers, Vol. XI., page 123.

† Union of the Presbyterian Church of Scotland, Completed Report, page 87.

ever so absurd as to tax its people to support men for teaching and acting as they please—but by some prescribed rule." *

In the discussion on the Irish Church Resolutions, Benjamin Disraeli said :—

> "I cannot bring myself to believe that the people of this country would ever consent to the severance of that tie (between Church and State), and at the same time agree that the Church of England should retain the property which it now possesses. It would be an *imperium in imperio*, which to my mind would render the government of this country almost certainly difficult, perhaps impossible. Therefore, I think we must dismiss from our minds the notion that any such arrangement could ever be tolerated by the British Parliament." †

It is sought, indeed, to make the grip of the State as gentle as possible, to make the tie slender and almost invisible, but you do not thereby remove the peril. The very subtlety and refinement bring dangers of their own. Vinet says he prefers open persecution to protection of one Church :—

> "We should prefer persecution to protection. That which is most formidable to liberty, is not so much an institution which, by the very act of menacing, forewarns it, as one which, whilst affecting to recognise it, does in reality deny the very principle of liberty. The State which desires to deprive me of my religion, alarms me far less than the State which would have one of its own." ‡

So Principal Cairns held that to give endowments and a privileged position without annexing conditions, is to increase both political injustice and religious danger. And in speaking of the greater liberty of the Church of Scotland as contrasted with other State Churches, he said :—

> "Meanwhile it has practically enjoyed a great

* Hansard's Parliamentary History, XVII., page 280; Speech of 16th February, 1772.

† 3 Hansard, CXCI., page 1672; Speech of 30th April, 1868.

‡ Essay on Religious Conviction and Separation of Church and State, pages 199-200.

deal of liberty; but like a ship swinging by a lengthened cable, has been liable at any moment to be drawn up to the anchor of State jurisdiction." *

Dr. Maclaren of Manchester has finely said:—

"The dream of a Church receiving all the so-called advantages of a State connection, and yet free from State control, is only a dream. Payment means authority all the world over. The Church has the alternative to manage itself and provide for itself, in dependence on its Lord, or to let the civil power do both. It will do both if it does one." †

6.—The Price of Freedom.

Cavour's successor in the Premiership of Italy was Bettino Ricasoli, who had embibed the spirit of his great predecessor, and like him cherished the ideal of "a Free Church in a Free State." During his second Premiership in 1866, he was approached by leading Churchmen in Italy, who referred to the freedom which the Church enjoyed in America, and for their own Church desired immunity from all interference on the part of the civil power along with the retention of all the privileges of State-connection. He told them bluntly that if they wanted the freedom of America, they must accept the conditions of America. Then he went on:—

"How is it possible to terminate this deplorable and perilous conflict between the two powers—the Church and the State! Liberty alone can bring us to the desirable condition, which you consider so enviable in America. Let us render to Cæsar that which is Cæsar's and to God that which is God's, and the peace between Church and State will be no more disturbed."

Accordingly, on 17th January, 1867, he brought in a Bill for the complete separation of Church and State; and Scialoja, his Finance Minister, in announcing it, said:—

"The Statutes of the Church cannot, and ought not, to be any longer in Italy the law of the

* M'Ewen's Life of Cairns, pages 613-615.

† Religious Equality, by Alexander Maclaren, B.A., D.D., page 24.

State. The State will not interfere with the Statutes of the Church any more than it would with the management of a private company." *

The principle of the separation of Church and State he declared to be one of the most splendid results of modern civilisation.

The assertion of Spiritual Independence cannot avail for a State Church against the just rights of the State. This is well illustrated by Dr. Heugh in one of his "Friendly Replies," where a man who has sold himself into slavery claims freedom as his birthright on the ground that he is a man and a brother :—

> "His master and all bystanders would but laugh at his logic, and tell him, You may be a man, but you have made yourself a slave; and if you would escape from subjection, you must be a man only, and not a slave also." †

But I cannot better sum up the whole truth of this matter than in the words of G. W. E. Russell, biographer of Gladstone, himself once a Minister of State. Speaking as a Churchman, and referring to the sacrifice involved in Disendowment, he said :—

> "It is a sacrifice that is worth making for the great boon which it will bring in its train. I am persuaded that it will be a proud and happy day for the Church when, in reply to the just boast of the Nonconformist Communions that they were free born, she is able to say, 'With a great sum obtained I this Freedom.'" ‡

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* Parkinson's State Churches, pages 336 to 338; Historians' History of Italy, pages 612 to 616.

† MacGill's "Life of Dr. Heugh," page 349.

‡ A Churchman's Plea for Disestablishment, by George W. E. Russell, page 11.

CHAPTER XX.

THE ANGLICAN QUEST FOR FREEDOM.

"I do not believe that Imperial Parliament would consent to give the Established Church of Scotland absolute and uncontrolled liberty of doctrine and discipline with the endowments, for the simple reason that it would make far too dangerous a precedent for England."—Dr. Carnegie Simpson.*

Since 1904, there has been in connection with the Church of England, a Representative Church Council embracing the two Houses of Convocation and a large body of elected laymen; so that it is composed in all of 41 Bishops, 278 Clergy, and 393 Laity. This body in 1913 passed a Resolution to the effect that—

> "there is in principle no inconsistency between a national recognition of religion and the spiritual independence of the Church;"

and at its request the Archbishops appointed a Committee—

> "to enquire what changes are advisable in order to secure, in the relations of Church and State, a fuller expression of the spiritual independence of the Church, as well as the national recognition of religion." †

As a result of their labours, there has been passed into law—"The National Assembly of the Church of England (Powers) Bill." This measure expands the present Representative Church Council into a National Church Assembly, basing it on an extended lay franchise, and appointing it to new functions. It will consist of three houses, the House of Bishops, the House of Clergy, and the House of Laity; and, in the main, the decisions, if they are to become operative, must be ratified by each of the three Houses. One principal purpose of this Assembly will be to initiate legislation, and for that end it will appoint a Legislative Committee, whose duty it shall be to take action to pass approved measures into law. That, on the side of the Church. On the side of the State,

* Dr. Carnegie Simpson's "Site of Union," page 22.

† Report of the Archbishop's Committee on Church and State, page 1.

there is set up an Ecclesiastical Committee, composed of fifteen members of the House of Lords and fifteen members of the House of Commons. Measures passed by the Church Assembly are submitted to this Joint Parliamentary Committee, which drafts a Report thereon, stating the nature and legal effect of the measure and its views as to the expediency thereof. This Report, together with the text of the measure, is next laid before both Houses of Parliament; and on their each passing a favourable Resolution, the measure is presented to His Majesty, and, on receiving the Royal Assent, has the force and effect of an Act of Parliament. In this way a new artificial channel of legislation is opened up, and promise is given of an almost unchecked flow of legislation for the National Church. Nor is there almost any limit put to the scope of the legislation thus obtainable; for in Clause 3, sub-section 6, we read:—

> "A measure passed in accordance with this Act may relate to any matter concerning the Church of England, and may extend to the amendment or repeal in whole or in part of any Act of Parliament, including this Act."

I.—The Admitted Bondage of the Church.

The present helplessness of the Anglican Church is frankly confessed by all the supporters of the Enabling Act. Reforms are urgent, and they cannot be got through Parliament. It is admitted that the Church is in fetters to the State, and they proceed not to break the chain, but to lengthen it. The Archbishop of Canterbury says, "It is simply impossible to get things through Parliament." The Bishop of Ely speaks of "the Church's absolute helplessness to carry out the simplest measures of reform." While the Archbishop of York declares:—

> "The Church which claims to be national seems to have no power to remedy the abuses and the anachronisms which have attended it in its long history and to adapt itself to the needs and aspirations of living men." *

* For this section see Hansard, 1919, H.L., 3rd June, page 979; 1st July, 1919, page 49; 2nd July, 1919, pages 149-150.

2.—The Hand of the State.

This Act, which is designed to enable the Church to get clear as far as may be of Parliament, only brings into relief the coils in which Parliament holds the State Church. Desiring to gain the fullest liberty, its advocates were yet obliged to make the most abject submission to the Civil Power. The amplest safeguards for the continuance of Parliamentary control were lavishly offered. The Archbishop of Canterbury assured the House of Lords that Parliament retained its right "not only in theory but in practice." Lord Parmoor, one of the sponsors of the measure, maintained that the "effective control" of Parliament would be "enormously enhanced," and he added:—

> "Every right of a nonconformist, every right of a ratepayer, *and of an atheist*, as regards the Church of England, he will have as fully in the future as at the present moment."

The Bishop of Liverpool said:—

> "No attempt whatever is to be made to prevent Parliament having a final control over the destinies of the Church."

And, on the Second Reading in the House of Commons, Lord Robert Cecil declared that it left Parliament "in exactly the position it always has been," and that—

> "to say the Bill abolishes Parliamentary control is a most fantastic perversion of the fact."

The hand of the State is seen in the changes which this measure underwent in its passage through Parliament. These, as Viscount Wolmer said, were all in the direction of strengthening Parliamentary scrutiny and control. You do not come out of Parliament as you go in; and, with us, it is an intolerable position that the United Free Church should be held already bound in honour to go forward, when the Scottish Enabling Bill is not ours but the Church of Scotland's, and when we all know that Parliamentary changes which will be acceptable to them will be most obnoxious to us." *

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* For this section, see Hansard, 1919, H.L., 3rd June, pages 988, 1024, 1029; 2nd July, page 108; 10th June, pages 466 to 472; H.C., 7th November, pages 1169, 1170; 5th December, page 531.

3.—The New Ground for Disestablishment.

In claiming full freedom, the State-Church passes from a national to a denominational basis. By its own choice it takes rank with other Churches, and makes more glaring the injustice of its retaining special privileges. That it does so rank itself as one of many denominations, is made abundantly clear. Hooker's definition, making the Church coterminous with the Commonwealth, is still quoted with approval by the Lord Chancellor, but it is definitely departed from in the new measure. For the constitution of the National Assembly, the qualified Parish Electors for the House of Laity are defined as—

> "Persons of eighteen years of age and upwards, of either sex, resident in the parish, who are baptized and declare that they are members of the Church of England, and that they do not belong to any religious body which is not in communion with the Church of England."

On this the *British Weekly* justly remarks:—

> "It has been carefully worded so as to exclude all Non-conformists. No Elector is disqualified by reason of his character. He may be a thief, or an adulterer, or a notorious evil-liver, he may be the parish drunkard or the parish rake; but he must on no account be a Methodist Class Leader, or a Presbyterian Communicant, or a Baptist Deacon." *

By thus taking its stand among other churches and claiming their freedom, the Church of England "denationalises" itself, and cuts away all ostensible ground for special privilege. It was this that led Lord Haldane to say that the doctrines associated with this Bill were doctrines that led directly to Disestablishment. It was this that led the Bishop of Manchester in opposing the measure to say:—

> "In effect what you are asked to do is to give the same freedom that you would give to any other religious corporation, while at the same time retaining for the Church the special privileges which it enjoys as a national Church. We cannot expect such a serious consideration as that to be made without

* "British Weekly," Leading Article of 26th June, 1919.

rousing the attention of all the other voluntary religious corporations in the country; they cannot fail to ask if you put yourself in the position of a voluntary religious corporation why you should be more privileged than all the other religious corporations of the country." *

4.—The Bulwark of Protestantism.

The support of the Enabling Act was by no means confined to the Sacerdotal Party in the Church of England, but it is beyond doubt that it gives rein to that preponderating section in the Church. And so the Church that is maintained by the State as a Bulwark of Protestantism is given new power, if it will, to move Romewards. By associating statutory privilege with full spiritual independence, we are going to lose for Protestantism in England more than the defenders of the new movement can ever hope to gain for it in Scotland.

5.—Paying the Price.

In the Report on Church and State by the Archbishops' Committee, as appointed in 1913, it is recorded that some members of the Committee thought that Disestablishment "would prove to be the only way of securing spiritual independence to the Church." † The greater liberty of Free Churches is admitted and coveted. Churchmen like Lord Parmoor admit it, and statesmen like Lord Emmott. But instead of making the great surrender, this movement seeks to gain freedom without paying the price of freedom. And so they set themselves, in their own words, "to secure a due measure of spiritual independence on the basis of Establishment." ‡ Like our Scottish Churchmen, they flatter themselves with that futile distinction that Parliament "would not constitute the Body," but would "only recognise it when constituted."

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* For this section, see Viscount Haldane's Speech, Hansard, 3rd June, 1919, H.L., pages 993 to 1015; also Hansard, 1st July, 1919, H. L., pages 20, 24; 2nd July, page 99.

† ‡ Report of Archbishops' Committee on Church and State, page 39.

They even adopt our patronising phraseology that—

> "if any change is made by Parliament for the benefit of the Church the benefit may be extended to Non-conformists, if they wish it."

We do indeed wish to make the bounds of our freedom broader yet, but we are well assured that our liberties cannot be extended by Parliamentary enactments, or by linking them on to Established Church Enabling Acts. And our coveted and much prized liberties can only be shared by those who pay the price at which we purchased them. In a very fine passage Lord Haldane says:—

> "I always admire the fervour of conviction. I admire it when it leads men, as it led the great pioneers of religious liberty in the past, to take up staff and wallet and go forth into the wilderness for their faith; but I admire that energy and conviction much less when it leads to the more comfortable resolution to stay at home, to occupy the whole of the building, and bid others go forth of the building because they cannot remain there consistently with the views which they conscientiously hold." *

6.—Buttressing the Establishment.

It is not only that the Church refuses to pay the price; it aggressively maintains, and seeks to strengthen, the old state-relationship. It prolongs and accentuates injustice and ascendency. The Archbishop of Canterbury and Lord Parmoor both insisted that nothing was being done to alter or endanger, but rather to strengthen, the existing relations between Church and State. While the Archbishop of York declared:—

> "If you will pass this Bill through the Second Reading and afterwards, if so be, amend it and it becomes law, then *you will strengthen and give a new hopefulness and fruitfulness to the ancient alliance between Church and State in this country.*

And our Church, by its present movement, is strengthening Establishment in England as well as in Scotland. The two causes stand or fall together. The Anglican case is

* Hansard, 1919, H.L., 3rd June, pages 997, 1000, 1020; 1st July, pages 31-32; 2nd July, page 125.

expressly built on the Claim put forward in the Memorandum and the Draft Articles of the Church of Scotland. The precedent of the Scottish Church is quoted to show that Establishment and liberty are not incompatible, and the reunion movement in Scotland is described with delight by Anglicans as "the reaction that has followed the secession of 1843."* Viscount Wolmer says in an Article in the *Morning Post* of July 14, 1919 :—

> "We regard the cause of ecclesiastical liberty both south and north of the Tweed as one."

And he is right. In supporting Establishment in Scotland, we become defenders of the Establishment in England. Thus Chalmers, in his London Lectures, in the interests of the Scottish Establishment, defended the Establishments in Ireland and in England, and was led on to belittle the scruples of English Non-conformists and to reproach them as bigots, standing outside the Establishment *for the sake of insignificant and paltry differences*—

> "the caprices, or whimsical peculiarities, in which, through the very wantonness of freedom in this land of perfect toleration, men have chosen to disport themselves, and so broken forth into their parti-coloured varieties." †

Five years afterwards Chalmers himself was carried away by "caprices and whimsical peculiarities" to add another "parti-coloured variety" on grounds which State-Churchmen still count "insignificant and paltry." For our part we make common cause with the Non-conformists of England to overthrow Establishments alike in Scotland and in England. We are for withdrawing the northern buttress of the Anglican Establishment. The Archbishop of Canterbury represents certain Non-conformists as saying:—

> "If you retain the Establishment, we intend that you shall retain it in as burdensome and as difficult a form as we can."

Put it that way, if you will. We prefer to put it in the words of John Bright:—

> "I shall hold myself to have read, thought, and

* Report of the Archbishops' Committee on Church and State, pages 35-37, 198-201.

† Chalmers's Select Works, XI., pages 185-191, 214-220.

lived in vain, if I vote for a measure which in the smallest degree shall give any further power or life to the principle of State Endowment." *

7.—The Parallel and the Contrast.

In many features the English and Scottish cases bear a strong similarity. They appear in Parliament almost simultaneously, the moment being auspiciously chosen. The representatives of the Church of Scotland have told us that "the public and parliamentary circumstances of the time favour an immediate advance;" † and Principal Forsyth, with less euphemism, declared on the introduction of the English measure:—

> "It is hoped to slip this measure through a scratch Parliament, already discredited, and less fit than any recent Parliament to handle spiritual things." ‡

Both cases bring into relief the question of Parliamentary control. The opponents in Parliament of the English measure declared that you could not combine privilege and liberty, and that the autonomy of a Free Church is incompatible with the emoluments of an Establishment. The Congregational Union, in like manner, resolved—

> "that an autonomous Church cannot with any show of justice remain attached to the State, and that so long as the Church enjoys the privileges of Establishment, and is maintained by tithes and other public funds, so long must its affairs remain under the effective control of the State as expressed through Parliament." **

But the supporters of the measure were quite as decisive in their pronouncements. Thus Mr. Bonar Law:—

> "In this as in other matters you cannot have

* Speeches of John Bright, page 152; Maynooth Grant, 16th April, 1845. For further references in this section, see Hansard; 3rd June, 1919, H.L., pages 988, 1019, 1022; 2nd July, page 148, 10th July, page 424.

† Church of Scotland Report, 1919, page 20.

‡ "Public Opinion," Article on "Pentecost *via* Parliament," 6th June, 1919.

** "Public Opinion," Article on "Pentecost *via* Parliament," 6th June, 1919.

your cake and eat it. *You cannot have a State Church and yet have the absolute freedom which applies to a non-State Church.*"

Yet it is precisely that self-evident principle that the Scottish movement is bent on setting at nought. It is here that the parallel with the English measure ceases, and the contrast begins. Mr. James Hope, M.P., said in the House of Commons:—

> "The Church of England does not ask for a tithe of the liberty or power that the Church of Scotland already enjoys."

Much less did it ask for the powers that our Church leaders are seeking. The Church of England has sought and secured an abbreviated form of Parliamentary procedure, at the same time that it reiterates anew its submission to Parliamentary control. Our leaders, on the other hand, alike in the Church of Scotland and in the United Free Church, propose to retain the Parliamentary privileges and free themselves from the Parliamentary control. They propose to set up a State-privileged and State-endowed Church absolutely exempt from State-control—a Church whose powers, rights and liberties are not to be "in any respect limited or restrained by any special relation to the State."*

So it has been reserved for our Scottish Church leaders to try to break down the fundamental and salutary principle of all public life that State-control must accompany State-privilege and State-emolument. The attempt will inevitably prove as disastrous as it is daring and defiant; for it is a well-proved dictum that—

"those who go about to break Parliament, Parliament itself will break."†

* United Free Church Report, 1919, page 4; Church of Scotland Report, 1919, page 27.

† For this section, see Hansard, 1919, H.C., 7th November, pages 1147, 1149, 1167, 1178-1179, 1188; 5th December, page 535.

CHAPTER XXI.

THE POSSESSION OF FREEDOM.

"*Hold that fast which thou hast, that no man take thy crown.*—Revelations 3. 11.

From the futile quest for liberty through the regions of State territory we now return to our native heath, and from the stifling atmosphere of the State archives we come back to breathe again the bracing air of liberty. I know that that liberty is held in question, and that we are counted more bound by Trust-Deeds, and Law Courts, and House of Lords Decisions, than is the State Church by Acts of Parliament. How ill-founded is that assumption we now proceed at once to show.

1.—Legal Decisions.

It may be stated at the outset that legal decisions have varied on either side according to the idiosyncrasies of the judges and the temper of the time. It may be admitted also that it is as obnoxious to Free Churchmen to have their doctrines travestied in Law Courts, as it is to State Churchmen to have theirs discussed in Parliament. And the incompetency is as glaring in the one case as in the other. Indeed it is confessed in both. In the famous Craigdallie case, in his final decision, Lord Eldon, after speaking of the "infinite difficulty" the case had presented, said:—

> "If the Court of Session were obliged to qualify their findings, as they do, intimating that they doubt whether they understood the subject at all under the words 'as far as they are capable of understanding the subject,' I hope I may be permitted, without offence to you, to say that there may be some doubt whether we understand the subject, not only because the Court of Session was much more likely to understand the matter than we are, but because I have had the mortification, I know not how many times over, to

endeavour myself to understand what these principles were, and whether they have, or have not, deviated from them; and I have made the attempt to understand it, till I find it, at least on my part, to be quite hopeless." *

The general trend of the legal decisions cannot be disputed, and the greatly superior position of the Free Churches is, in the main, handsomely admitted. It is contended, indeed, that the much prized jurisdiction bestowed upon the Church of Scotland by the State places that Church in an impregnable position in cases of discipline, and brings into relief the disabilities of the non-established Churches. I readily take them on this, their chosen ground. The history of legal decisions shows that the non-established Churches are in as favourable a position as the State Church, even in this regard. In the important case of Sturrock *v.* Greig, 1849, it was held that, in a case of discipline, no action for damages would lie against a Church Court of the Established Church—

"even although it be averred that the judgment was pronounced maliciously and without probable cause." †

But the decision was very carefully guarded and qualified; and it was almost immediately modified in the case of Edwards *v.* Begbie where the judges concurred in Lord Mackenzie's opinion as applicable to all Churches:—

"I conceive the general rule to be that judges, civil or ecclesiastical, if they, in the exercise of their function, commit a wrong maliciously and without probable cause, must be liable in damages." ‡

Moreover, even in Sturrock's case all the judges indicated that the same privilege, even against allegations of malice, which they ascribed to the Establishment, would be enjoyed by the voluntary tribunals of non-established Churches. Thus Lord Justice-Clerk Hope, referring to the Dissenting Churches, said:—

"I avoid the question as to whether similar protection extends to their Church Courts, solely because

* Bligh's Reports, Vol. II., pages 541, 543; 19th July, 1820.
† Dunlop's Reports, Vol. XI., page 1220; 3rd July, 1849.
‡ Dunlop's Report, Vol. XII., pages 1130-1131; 28th June, 1850.

that is not the case before us—but not from any doubt now entertained by me that they may claim the same." *

The superior position, in respect of freedom, of the non-established Churches was recognised by the judges all through the Disruption period. Dr. Taylor Innes summarises the decisions thus :—

> "It is clearly put in many of these, and it is implied in all of them, that the old claim of Church independence and co-ordinate jurisdiction is absolutely unrealisable except on the condition of practical voluntaryism." †

Nothing could be clearer or more to the point than the words of Lord Campbell, giving decision in one of the appealed Auchterarder cases :—

> "*It is only a voluntary body such as the Relief or Burgher Church in Scotland, self-founded and self-supported, that can say they will be entirely governed by their own rules.*" ‡

The position of the Free Churches was, however, to be seriously challenged in the Cardross Case. In 1858, Rev. Mr. MacMillan, Minister at Cardross, was found guilty of certain offences by the Presbytery of Dumbarton. He appealed to Synod and Assembly, and the Assembly, in addition to supporting the findings of the Presbytery, brought him in guilty of a charge of which the Presbytery had acquitted him, so that no appeal was before the Assembly on that point. Embittered by this decision, Mr. MacMillan at once applied to the Civil court for a Note of Suspension and Interdict. The interdict was refused ; but, in respect that he had sought it, he was summoned to the bar of the Assembly where he appeared preceded by a messenger at arms, who now served upon the Moderator a Summons of Reduction of the Assembly's sentence. Upon his answering "Yes" to the question whether he had authorised the application to the Civil court, the Assembly

* Dunlop's Reports, Vol. XI., page 1228 ; 3rd July, 1849.

† Law of Creeds, page 215.

‡ Bell's Cases decided in the House of Lords, Vol. I., pages 733-734 ; 11th July, 1842. See also "Witness" Newspaper, 13th August, 1842.

immediately and unanimously, "in respect of the reply so given," and inasmuch as he had appealed to Cæsar on a spiritual matter, deposed him on the spot from the office of the holy ministry. He forthwith raised an action in the Civil courts, not only against the General Assembly, its Moderator and Clerks, but also against Drs. Candlish and Bannerman, who had moved and seconded the sentence of deposition. The claim was for reduction of the spiritual sentences and for damages. At first he did not meet with success, the Lord Ordinary finding that by the fundamental principles of the Free Church all matters of ecclesiastical discipline are referred to the final sentence of their General Assembly, that the pursuer was bound to submit to such final sentence and not to bring it in question before any Civil Court, and that therefore the action was incompetent in that Court.* But, on appeal to the Inner House, "production" of documents was granted, 23rd December, 1859, and it seemed as if the Law Lords were settling down again to review ecclesiastical proceedings. "Production was satisfied," with the reserving, however, of all the Church's pleas against the right of the court to judge of them when produced. On the second hearing, still in the Inner House or First Division of the Court, the judgment as given on 19th July, 1861, asserted the right of the Court of Session to set aside the sentence passed upon Mr. MacMillan, though only in so far as that stood in the way of damages being awarded, if they should subsequently be found to be due. There would be no reduction, except as auxiliary to a claim for damages. The Presbytery of Dumbarton would not be asked to repone the former minister of Cardross. The Court "might give damages for the loss of a leg, but it would not stick it on again." Lord Deas indicated that they would not put the pursuer back into his charge, or compel the congregation at Cardross to listen to his sermons, and that on the accepted principle:—

> "If a master unwarrantly dismisses his servant, we give pecuniary redress; but we do not compel the master to take the servant back into his service. If I

* Scots Revised Reports, Court of Session, Second Series, Vol. XI., pages 933-934; 15th February, 1859.

> engage a teacher in any department of science, literature, or art, the law will compel me to pay him, but the law will not compel me to be taught by him." *

But up till now the case was tentative and prospective only; and it was not till 9th July, 1862, after the third hearing that the conclusive decision came in the form that there could be no action of damages allowed against the General Assembly which was a fluctuating body, meeting only for ten days in the year for ecclesiastical purposes, and then vanishing. Thus Lord President M'Neill:—

> "There is nothing on the record to show who were the individuals composing the body, or composing the alleged majority in the division which is said to have taken place." †

And with the action for damages fell also that for reduction which had only been foreshadowed as auxiliary to it. And so the Cardross Case which in its first phases was hailed with open delight by the enemies of the Free Church and of Spiritual Independence came in the end to less than nothing, and melted away "like snaw wreaths in thaw." ‡ The judgment thus finally reached was confirmed—though on somewhat different grounds—in the Skerret Case in the United Presbyterian Church, which was decided against Mr. Skerret on January 30, 1896, partly on the ground that his action for reduction was unaccompanied by an action for damages, and partly on the broad ground that the right of the pursuer "stood only on personal contract, and was not based on any position created and protected by law, such as that of a minister of the Established Church. the teacher of a parish school, or an official holding an independent position"; that consequently the Church's immunity was greater than in the case of an Established Church; and that the remedy demanded—viz., that of

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* Dunlop's Reports, Vol. XXIII., pages 1345-46; 19th July, 1861.

† Dunlop's Reports, Vol. XXIV., page 1291; 9th July, 1862.

‡ *On the Cardross Case*, see Taylor Innes's "Law of Creeds," pages 265-277; Walker's "Chapters from the History of the Free Church of Scotland," pages 212-225; and "Sessions Cases," Dunlop's Reports—Vol. xxii., pages 290-328, 23rd December, 1859; Vol. xxiii., pages 1314-1349, 19th July, 1861; and Vol. xxiv., pages 1282-1306, 9th July, 1862.

reduction and of restoration of the minister to his former position, was—

> "a remedy which had not yet been granted in Scotland in any question about the sentence of a Voluntary Church." *

In the case of Lang *v.* the Presbytery of Irvine in 1864, Lord Ardmillan, differing from Lord Deas, said:—

> "I feel it to be my duty to state my deliberate opinion that in this matter of privilege in judicial proceedings there is no difference between the judgment in matters spiritual of the Church courts of the Established Church and the Church courts of non-conforming bodies. In both cases I think that the judgment is privileged, and that malice must be alleged." †

Finally, the superior position of a Free to an Established Church, was very clearly stated by Lord Davey in the celebrated Church Case of 1904:—

> "It is, indeed, almost a truism that an unestablished religious Association is free from State control as regards doctrine, government, and discipline. But *that freedom which differentiates a Voluntary Association from an Established Church* is not inconsistent with the adoption by the Association of certain tenets which distinguish it from other similar Bodies." ‡

2.—Power of Change.

It is commonly said that the Law of Trusts too rigidly binds the Church, and prevents all change of doctrine or government, but almost all the Legal Decisions make plain that change will be legitimate to the full extent to which it is claimed in the original constitution of the Church concerned. In one of his notable and governing decisions given in the Craigdallie Case, Lord Eldon said:—

> "If the instrument contains in it a provision for the case of schism and separation among the members

* Rettie's Reports, Vol. XXIII., pages 468 to 492; 30th January, 1896.

† Macpherson's Reports, Series III., Vol. II., page 838; 5th March, 1864.

‡ Sheriff Orr's "Free Church of Scotland Appeals," page 581.

themselves, I apprehend the courts themselves will act according to the provisions so contained." *

Some Trust Deeds, therefore, assign the property, in case of division, to the majority, either of the individual congregation, or of the Supreme Court of the Church. Thus the United Presbyterian Synod in 1858 issued a Paper of "General Directions for the guidance of Congregations in regard to Title-Deeds;" and one of the Model Forms provided for tying it to the majority of the Synod, the other to the majority of the congregation—

"whatever may be the religious principles they may adopt, or the denomination with which they connect themselves." †

This power of change, if so provided, was very clearly indicated in the Free Church Case of 1904, even by those Judges who were most adverse to the Church's claim, as these extracts will show :—

The Dean of Faculty :—

"But supposing that the body had either an inherent power or an express power to do something, then the money—"

The Lord Chancellor :—

"*Cadit quæstio*—if it had power to do it no question arises." ‡

So again, the Lord Chancellor :—

"If you suppose the original foundation, we will call it the Trust Deed, gave express power, under certain conditions, to change the disposition of the property, I do not see anything unlawful about that."**

So Lord Davey :—

"The bond of Union may contain within itself a power in some recognised body to control, alter, or modify the tenets and principles at one time professed by the Association." ††

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* Paton's Reports on House of Lords Cases, Vol. VI., 635; 16th June, 1813; repeated 21st July, 1820.

† "The Law of Creeds in Scotland," by Dr. A. Taylor Innes, pages 253-254; see also Manual of Practice and Procedure in the United Free Church of Scotland, under Model Trust Deed, pages 221-224.

‡ Sheriff Orr's "Free Church of Scotland Appeals," page 339.

** Sheriff Orr's "Free Church of Scotland Appeals," page 473.

†† Sheriff Orr's "Free Church of Scotland Appeals," page 580.

And lastly, Lord Alverstone:—

> "If the terms of the foundation of the Trust provide for the case of schism, the courts will give effect to them." *

In accordance with these legal dicta, we framed our wide Charter of 1905-6.†

3.—Admitted Facts.

It would be easy to give voluminous testimony from Statesmen and from Churchmen as to the transparent superiority of non-established Churches in the matter of freedom. Here is Sir Robert Peel's conclusive utterance as Prime Minister, giving Parliament's last word precedent to the Disruption:—

> "There is a complete distinction between a Church that is voluntary and independent, and one that is established by the State. Take the case of the Roman Catholics, or any of the Protestant Dissenters in this country who are not connected with the State by way of establishment; their right, so far as voluntary jurisdiction is concerned, is quite supreme, and we do not attempt to interfere with it. Those who choose to submit to it, in consequence of their connection with any such denomination, have a perfect right to do so; but if a Church chooses to have the advantages of an establishment, and to hold those privileges which the law confers—that Church, whether it be the Church of Rome, or the Church of England, or the Presbyterian Church of Scotland, must conform to the law. It is a perfect anomaly and absurd that a Church should have all the advantages of an establishment—I do not speak merely of the stipends, but of all the privileges which a connection with the State bestows—and yet claim an exemption from those obligations which, wherever there is an establishment, must exist on its side with reference to the supreme tribunals of the country." ‡

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* Sheriff Orr's "Free Church of Scotland Appeals," page 610.

† See Appendix III.; and for corresponding Declaration on Spiritual Independence, as made by the Presbyterian Church of England, see Appendix V.

‡ 3 Hansard, LXVII, pages 502-503; Speech of 8th March, 1843.

The superiority of the Free Churches is frankly owned by many of the defenders of establishments. Thus the *Guardian*:—

> "Nonconformist Churches, so far as they hold property, come under the control of the State, and the courts of law. But subject to so much inevitable control, and in most cases to certain documentary forms and trust deeds, these bodies are, as a matter of fact, much freer in their corporate action, in their legislation, in their discipline, and in their forms of worship, than the Church of England." *

Dr. Bernard, Bishop of Ossory, now Archbishop of Dublin, in a letter in 1913 to the Secretary of the Central Church Committee for Defence and Instruction, holds that the losses to the Church in Ireland by Disestablishment outweigh the gains, but among the real gains he reckons—

> "*the autonomy which a free Church possesses*, and the sympathy of the laity which is evoked in larger measure when they are made responsible for the financial stability of the Church's work. †

4.—Tenure of Property.

There is a sense in which no Church can ever be free from the control of the State. This is true of the property of the Church as well as of the liberty and lives of its members. The Disruption action and testimony gave strong insistence on this fact, and it has to be recognised and observed by all Churches, Established and Free. By the common law of Scotland Churches are not corporations and do not hold property; and in the case of all non-established Churches the property is held by individuals *in trust* for the congregation or the Church at large, and is subject to the law of trusts. ‡

In America, on the other hand, Churches are erected into corporations or civil societies, and hold their property

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* "Guardian," 8th October, 1884; Quoted in "Disestablishment," by Henry Richard, M.P., page 71.

† Letter of 3rd November, 1913; Dr. Bennet's "Free Churches and the State," pages 13-14; "Liberator," January, 1914.

‡ "The Law of Creeds in Scotland," by Dr. A. Taylor Innes, page 219.

by a perpetual tenure. The system seems to have wrought with great smoothness and success, and the main positions of American Law, as defined by the Supreme Court of the United States, are these:—

1. The law acknowledges a voluntary jurisdiction in every Church, leaves all Church questions to the decision of the Church itself, and refuses to review them.

2. It claims control of Church property and funds, and where an express trust as to their uses is alleged, it inquires into and enforces it, but only as concerns the property.

3. Where no express trust is specified, the law presumes that the decision of the Church majority is right. *

5.—The Guarantees.

Shall we then repair to Parliament to get a more secure tennre for our property, and to obtain its seal beforehand that the exercise of our freedom shall never be penalised? If this is done at all, it should be done for all Churches at one and the same time. But should it be done?

Reference may be made to the United Methodist Church Act, which received the Royal Assent on 26th July, 1907. There was a purpose of Union between three denominations—the Methodist New Connexion, the Bible Christians, and the United Methodist Free Churches. They came to Parliament to have their union authorised, and their property vested in the united Church. The Act empowers the respective General Assemblies to unite as one United Conference:—

> "Such meetings respectively shall *by virtue of this Act* be adjourned to such day and place as aforesaid pursuant to such resolutions, and *it shall be lawful* for the said assemblies or conferences when assembled at such adjourned meetings to unite and sit together as one United Conference."

It declares *it shall be lawful* for the United Conference to settle and adopt a Deed Poll of Foundation declaring and defining the constitution and doctrinal tenets of the said

* "The Law of Creeds in Scotland," by Dr. A. Taylor Innes, pages 219, 302.

united Church, including powers to alter, amend or repeal any of the provisions thereof. It ordains that the lands and personal property of the uniting denominations shall be held in trust for the United Methodist Church, and that trust funds shall continue to be applied to their appointed objects. It gives power to the United Methodist Church to unite with other religious bodies, but provides that any uniting resolution—

> "shall be carried in one year by the votes of not less than three-fourths of the members of the annual conference of that year present and voting upon such resolution, and confirmed in the next subsequent year by a resolution of the annual conference of that year similarly carried." *

This sounds familiar. As to the whole procedure, it is said that owing to legal points as to the Trust Deeds previously drawn up by the Churches themselves, this private Act of Parliament was, under the English law of trusts, the appropriate and necessary instrument. † However that may be, it is once again made evident that in the very act of freeing Churches Parliament always binds them, for the present and for the future; and to make the procedure here adopted a precedent for non-established Churches, conditioning their unions by Acts of Parliament, would be perilous in the extreme, and must be strongly deprecated.

We are against going to Parliament at all on any such mission, or to secure any large definition of the freedom of the Churches. To define freedom is to limit it. To fix it in a statute is to set bounds to its future growth, and to arrest the Church in her age-long struggle to make the bounds of freedom broader yet. Lord John Russell, speaking of the privileges of the House of Commons, said there was great force in the argument that—

> "any enactment would convert all the privileges of the House to such a state as would materially diminish them." ‡

And it is very notable that Thomas Chalmers was not in

* See book entitled "United Methodist Church—Minutes of Conference, 1907," pages 15-34.

† Dr. Bennett's "Free Churches and the State," page 22.

‡ 3 Hansard, lii., page 953; Speech of 5th March, 1840.

favour of Parliament defining non-intrusion or spiritual independence. He desired Parliament to recognise spiritual independence in the sense of acting on it as a right belonging to the Church, or coming to the rescue to repel invasions of it by legal or other civil power, but he would not ask their opinion on "a question which is ours not theirs;" and he sums up his contention in these words:—

> "I would never ask from the legislature a recognition of the principle of non-intrusion. It is a far greater thing which is at stake—the right of giving effect to this and every other principle of a purely spiritual nature which seemeth to us a sound one. We do not ask the bestowal of even the right at their hands." *

So in their Pastoral Address in 1876, the United Presbyterian Synod said:—

> "We need not say that we claim our freedom on another basis; not as a boon from the British Parliament, however obedient we are to it in all civil duties, but as an inalienable part of our Christian heritage. What Cæsar has withheld and gives as a favour, he could again withdraw; and if we accepted it in this way, we should be his feudatories." †

6.—"A Voluntary Association."

We have shown that the Law of Trusts is ample enough, if Deeds are properly framed, to provide for all the movements of Christian progress. Nor need we claim for Christian Churches any privilege or protection beyond that granted to voluntary associations under the common law. Thus Dr. Clifford:—

> "We ask for the protection of the buildings Christian Churches legally own and hold as citizens, in the same way as guilds of merchants ask for their property to be placed under the ægis of the State; and we demand freedom in the use of such buildings for religious purposes just as they do for commercial." ‡

* Memoirs of Dr. Chalmers, Vol. IV., page 284.

† Synod Papers of the United Presbyterian Church, 1876, pages 112-113; Synod Hall Lectures, page 154.

‡ "The State, the Church, and the Congregation," by John Clifford, LL.D., D.D., page 1.

But we are asked if we are content to be treated in the eyes of the law as a mere voluntary society like a Football Association or a Bowling Club or a Shipping Company. The taunt is very superficial. We might as well say—Are you content to be under Statute Law, like a Fishery Board, or the Mercantile Marine, or the Jockey Club? For myself I had rather be under a voluntary association than under a State-driven institution; I had rather be "an associated body of Christian believers" or "a voluntary association of private persons united for sacred purposes," than a compelling State Establishment, bound in its sacred work by Statutory bonds; I had rather be under Trust Law than under Statute Law.

7.—Taking Risks.

No doubt, guard it how you will, risks will still have to be taken, and wrongs will still be done. Are there no risks in the other course? We have already indicated Dr. Henderson's reply to Mr Meikleham's question as to what would happen under the new proposals if the Church determined one way and the State another.* But if we are to suffer, let us suffer going forward on our own appointed road, and not by turning aside in what are to us forbidden by-paths:—

"Out of the way we went, and then we found
What 'twas to tread upon forbidden ground."

And in non-established Churches all the hazard undergone never hinders for one moment the onward march of freedom. Unions among such Churches are not contingent on Parliamentary Acts or political situations. We take the risk, and we go forward; and, whatever happens, the deed is done, the deed stands. There is no staying of procedure, no reversal of judgment.

The Lord President of the Court of Session, Duncan M'Neill (afterwards Lord Colonsay), said in the Cardross Case that the Court would not replace a leg, though they might give compensation for its loss.† We can assure all the Lords of Session that we never

* See pages 167-168 of this Book.

† Dunlop's Reports, xxii., page 316; 23rd December, 1859.

have lost a leg. We have had our pockets rifled once or twice; but we have walked on, still marching breast forward. Once or twice they have thrown a deluge of cold water on our fires, but the people at all such times have stood by us, and poured in oil in abundance till the flames leaped higher than ever; and we are not now going to close down our old fires, or push in the "damper" over the flames on our own hearth:—

"We'll guard that candle with resolute care
Which one was set burning in Oxford Square;
We'll guard that candle, lest guile or ease
Should cause its flame to flicker or cease.
It has cost too much, and has burned too well
For the glorious land in which we dwell,
To let it go out—aye, keep it we will,
Let others walk in what light they will."

CHAPTER XXII.

"1904."

"Art thou also become weak as we?
Art thou become like unto us?—Is. xiv. 10.

On 31st October, 1900, there was consummated the Union of the Free and United Presbyterian Churches under the title of the United Free Church of Scotland. Six weeks thereafter, on 14th December, 1900, the representatives of the United Church were served with a summons, claiming on behalf of the remanent Free Church the whole lands, properties, and funds formerly vested in the Free Church. In the Scottish Law Courts the case was dismissed by the Lord Ordinary—Lord Low—on 9th August, 1901, and even more decisively by the Second Division on 4th July, 1902. Appeal was, however, taken to the House of Lords, and after an inconclusive hearing owing to the death of Lord Shand, the whole case was restated before an enlarged Court, and the Judges finally on 1st August, 1904, by 5 votes to 2, reversed the judgment of the Lower Courts, and assigned the whole property of the former Free Church to the small Body still bearing that name.* Let us notice some of the applications of this case to the questions presently before us.

I.—From the Decision of the House of Lords we took appeal to the Highest Court in the Land, to the Parliament of the Nation.

We said that we would never own that the property had in any final sense passed from us until we had carried it to the Court of Last Appeal—to Parliament itself. We had ample precedents for our attitude and action. In the case of Stockdale *v.* Hansard, Parliament cancelled and reversed the decision of the Court of Queen's Bench, and Lord John Russell in passing the consequent Bill said it was among the functions of Parliament—

> "not only to pass such laws as should be from time to time required, but also in general to declare

* See Sheriff Orr's "Free Church of Scotland Appeals."

> what was the state of the law existing at the period, and which declaration was taken as law for ever afterwards." *

In the case of the Hewley Charities, Parliament stayed procedure, and at its own hand did substantial justice in the Dissenters Chapels Bill. Lord Brougham, who had given the adverse judgment, speaking on the Bill in the House of Lords, said :—

> "While delivering judgment in the case, he was expounding the law ; but when he came as a lawgiver to consider whether that law was expedient, or whether it should be modified, he could then, with perfect consistency, object to the propriety of the law, and bring forward this measure on the very ground that the law was such as he had formerly stated it to be." †

And, on the Second Reading of the Bill in the House of Commons, Sir Robert Peel asked :—

> "Am I to be called upon, from deference to any great doctrine of English law, to violate the first principle of justice, in order to maintain the technical application of the rule ?" ‡

Clear and constitutional as was the course pursued in restoring our property, there are still those who profess to see no difference between Parliament settling a law case and the State endowing a Church ; and to this hour taunts are constantly hurled at us in this regard. The Rev. Archibald MacIntyre, M.A., Clerk of the Lerwick Presbytery of the Church of Scotland, still preserves in *Ultima Thule* the Hooker tradition, and declared but recently that "the Church and State were inseparable and indistinguishable the one from the other." At the same time, he spoke of the Free Kirk money which was given to the United Free Church by the State ; and he proceeded :—

> "We know that the State has not interfered with us, but we know that the State has interfered with these very Churches which declare that they are free from the law. In 1904 that power was felt. Every penny the Free Church had, had been dragged from

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* 3 Hansard, lii., page 953 ; Debate of 5th March, 1840.
† 3 Hansard, lxxiv., page 597 ; Debate of 3rd May, 1844.
‡ 3 Hansard, lxxv., page 384 ; Debate, 6th June, 1844.

the State, though it was declared it did not belong to them but to those who represented the original members of the Church; but Parliament, by the exercise of arbitrary power, took it from the old representatives and gave it to the new body." *

In like manner, in a recent able and entertaining work of fiction, the author takes up this taunt song, and describes how Mrs Yew-Eph came to set her cap at Mr Kirk:—

"She was a lone widow smarting from the expense and chagrin of a disastrous law-suit, which had taught her by bitter experience that she was anything but so free from the civil power as she had fondly imagined herself to be. Further, her mouth had been shut in the matter of the confiscation of Tiendland, because she herself had accepted money which had been awarded to her by a Commission of the Legislature. In this way the paradoxical position had been arrived at that Mr Kirk, living as he did upon his own patrimonial estate—the outcome of the freewill offerings of ancient times—was really more voluntary than one who, like herself, had been the recipient of a Parliamentary grant." †

We in no way begrudge the author the use of legal fictions to adorn his tale, and add to the gaiety of ecclesiastical controversy; and we are well content to leave these accounts, alike of the "Parliamentary grant" and of the "patrimonial estate," to the realms of romance to which they properly belong.

2.—The Case brought into relief our position as a Voluntary Church, and exhibited anew the power of the Voluntary Principle.

In the course of the case tribute was paid by the Judges, especially those on the Scottish Bench, to the position we had won as a Voluntary Church. Thus Lord Low:—

"But seven-and-fifty years elapsed between the Disruption and the Union of 1900, and in the meantime the Free Church had grown and prospered as a

* The "Shetland News," 6th November, 1919.

† The Wedding of Mr Kirk, by A. Gordon Mitchell, D.D., page 9.

> Voluntary Church in fact. There was no longer any need to justify the position of the Church, because that was assured ; and long prior to the Union, I take it, all hope or intention or desire of returning to the Established Church had passed away." *

And, after the adverse decision, we gave to Scotland one of the best examples she has ever had of the strength and sufficiency of the Voluntary principle. To meet all the legal claims, and to repair the vast losses that remained even after Parliament had done us a rough justice, we instituted an Emergency Fund; wherever necessary, throughout the country we built churches and manses anew; and for these and other objects we raised by this special Fund a sum of no less than £167,350. Nor was the Union annulled or impaired by the legal decision. On the contrary, when the Law-lords declared that the Free and United Presbyterian Churches could not unite, that moment they united them more firmly than ever.

3.—We suffered because we had not in our Constitution and Trust Deeds clearly claimed a power of change in doctrines and in position.

We have already seen that the most adverse of the Judges declared that this would have saved us, and here it will suffice to add one more to the testimonies already given :—

> *Lord Davey :* "I think if it was made plain, or rather if it was one of the doctrines of the Church to which the man subscribed his money, that it should have power to change its doctrine from time to time, then that would be one of the distinct tenets of the Church."
> *The Lord Chancellor:* "That is what Lord Eldon says." †

4.—We suffered because we had not Self-Government in Scotland.

It is not the first time that Scottish decisions have been over-ridden by English opinion. Speaking of the

* Sheriff Orr's "Free Church of Scotland Appeals," page 58.
† Sheriff Orr's "Free Church of Scotland Appeals," page 369.

passing of the Act of 1712, restoring patronage, Dr. Rainy said :—

> "The formation of the union between England and Scotland was the fundamental evil in this question; for a Bill for setting up patronage never would have been carried but for that union." *

In the days of the Disruption, it is true, the Court of Session was as adverse as the House of Lords to the claim of Spiritual Independence; but in Parliament it was different, and although Fox Maule's motion that the House should go into Committee on the subject of the Claim of Right was defeated by 211 to 76, the Scottish Members voted in favour of the Church's claim by 25 to 12. † In the case of the Church Patronage (Scotland) Bill, 1874, so little interest was taken in the measure that there was almost a count out on the Second Reading in the House of Commons, but the Government forces were at hand to carry the Bill, and it was passed by 307 to 109. ‡ In the case now under consideration, all the Judges in the Scottish Courts were on our side. Lord Low, referring to the Disruption doctrine of the Civil Magistrate, said :—

> "It does not, however, follow that that view was fixed and unchangeable, and could not be modified or reviewed by the Church so as to meet changed circumstances."

The Lord Justice-Clerk rejected the plea that the United Free Church had no power to modify or abandon the principle of State Establishment of Religion, and declared that the Barrier Act itself assumed the power of general change. Lord Young made the very broad declaration :—

> "I desire to say that there is, in my opinion, no rule of law to prevent a dissenting Church from abandoning a religious doctrine or principle, however essential and fundamental, or from returning to it again with or without qualification or modification."

While Lord Trayner thought that the Church had the power to abandon the establishment principle, and he was

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* Free Church Assembly Proceedings, 1874; pages 179-180,

† 3 Hansard, lxvii., page 510; 8th March, 1843.

‡ 3 Hansard, ccxx., pages 1132 and 1601; Debates of 6th and 13th July, 1874.

not prepared to say that extreme cases of change in doctrine and in government would not be covered by the wide terms of the Barrier Act. *

But to the House of Lords we had to go, and their competency to deal with Scottish Questions was splendidly illustrated in two episodes:—

(*A*)

The Dean of Faculty: It is the case of Cunninghame *v.* The Presbytery of Irvine.

The Lord Chancellor: What is the defender's name?

The Dean of Faculty: The Presbytery of Irvine.

(*B*)

Dean of Faculty: Those clergymen and elders who come from Presbyteries to attend the Assembly are called Commissioners.

The Lord Chancellor: Are they what we should call parishioners?

Lord James of Hereford: At the bottom of page 43 it says—'We, the undersigned Ministers and Elders, chosen as Commissioners to the General Assembly of the Church of Scotland.'

The Lord Chancellor: They would be representatives of the vestry or something of that kind, I suppose.

The Appeal Case itself is an irresistible argument in the great contention that Scottish questions should be settled on Scottish soil. †

5.—We suffered because we had departed from the Establishment Principle.

This was our main offence, and the only issue before the Court of Session. Our relation to the Westminster Confession and to Calvinism came in as an afterthought, and acquired pre-eminence in the House of Lords mainly through the theological acumen of Lord Halsbury, who was able to compete with Lord Brougham of Disruption days in the smothering of a Church with Latin and Greek quotations. But, even in the House of Lords, some of the judges founded their decision on the Establishment

* Sheriff Orr's "Free Church of Scotland Appeals," pages 61, 69, 72, 74, 78, 79.

† Sheriff Orr's "Free Church of Scotland Appeals," pages 342, 397.

question alone. It is indeed a matter of doubt to what extent, if any, we were ever committed to the Establishment principle. The Disruption fathers of set purpose excluded it from our formula. They could hardly bind it on the Church when they were in doubt about it themselves. As early as 1841 Chalmers wrote:—

> "Meanwhile a great question is now upon its trial, whether a National Church, in connection through its temporalities with the State, can or cannot be spiritually independent. If it can, the cause of religious Establishments might rest on an impregnable foundation to the end of the world. If it cannot, their essential corruption will prove an element of weakness which sooner or later must lead to their overthrow."*

Chalmers would have been verily guilty if, holding the principle to be still on its trial, he had yet bound it about our necks for ever. But the judges on both sides were agreed that at any rate we did not hold it now. Lord Trayner declared that he could not come to any other conclusion than that we had abandoned the principle of Church Establishment; that we could no longer give effect to it by returning to the Church as by law established; that the Free Church from the commencement of its existence down to the date of its union was a Church conducted and maintained, in point of fact, according to the voluntary principle; that so far from doing anything to give practical effect to the Establishment principle, it devoted much of its time and energy to bring about (if it could) the Disestablishment of the Church of Scotland; and that, in a word, the principle of Establishment was, from an early period in the history of the Free Church, treated as a dead letter.† They all agreed that we had abandoned the Establishment principle; and for that the majority of the House of Lords mulcted us in all our lands, property, and funds. They held that that speech of Dr. Chalmers about the Establishment principle brought us in large sums of money, and their theory was that all the donors who enriched our Church down to 1900, were, every man and woman of them, rigidly giving to a

* See "The Two Banners and the Old Battle," page 68.

† Sheriff Orr's "Free Church of Scotland Appeals," page 77, 78.

Church standing-still all the time exactly where Chalmers stood in 1843. The Church had become a pillar of salt, when with Chalmers it looked back to the Establishment whence it was fleeing! The pious donors had thrown away their money on a dead, a petrified Church; like the money which Virgil represents as paid to old Charon, who ferried the dead from bank to bank in the underworld.

The adverse decision was, indeed, entirely due to the Establishment principle in its theories and operations. It is the alliance of Church and State that has been the source of all our troubles. The establishing and endowing of the Church, and the consequent grip of the State upon the Church—it was that that brought the persecution in the days of the Covenant, and brought about our Secessions and Disruption. Nay, it was this false principle and this baneful alliance that begat all the religious persecutions of the ages, and drenched all lands with the blood of martyrs. Thus Buckle testifies:—

> "During almost a hundred and fifty years, Europe was afflicted by religious wars, religious massacres, and religious persecutions; not one of which would have arisen if the great truth had been recognised that the State has no concern with the opinions of men, and no right to interfere, even in the slightest degree, with the form of worship which they may choose to adopt." *

So it was this alliance, and our attitude toward it, as is written large in the judgment of all their lordships, that primarily and mainly brought this trial upon us. Are we now to say that we have been martyrs by mistake? Are we to make of none effect the place of honour that belongs of right to the one Church in Christendom that twice over, within little more than half a century, laid down her earthly all at her Master's bidding? Or shall we not rather still hail reproach and welcome shame, and count this a cause doubly consecrated for us by these great sacrifices? Lord Robertson, in delivering his judgment in the House of Lords was pleased to show all the zeal of an

* Buckle's "History of Civilisation in England," World's Classics Edition, Vol. I., pages 212-213.

pervert, and to indulge his sneer of contempt at the Free Church in these extraordinary terms:—

> "The error of the respondents seems to me to be that, shutting their eyes to the extremely special and limited *raison d'être* of the Free Church, *and contemplating themselves as a Christian Church*, they measure the importance of any doctrine in relation to Christianity as a whole and not with reference to their own distinctive origin."*

Grave errors, indeed, to one who was born and nurtured in the Free Church, and passed over to Episcopacy! But, to us, the very glory of our name. We do shut our eyes to the extremely limited and special *raison d'être* of the Free Church; we do contemplate ourselves as a Christian Church, as truly a Christian Church as any that boasts of Apostolic lineage; we do measure the importance of any doctrine in relation to Christianity as a whole, and not with reference to our own distinctive origin; and we count it a glory to have lost our property for this larger vision—this broader mission.

6.—We suffered because there was an Established Church in the land.

We paid the price, and purchased our freedom. In Lord Macnaghten's fine phrase, we cast off, for conscience sake, the fetters as well as the advantages of State connection; and it is strange that, after all this, Lord Macnaghten, in delivering judgment in our favour, should still have to ask—

> "Was the Church thus purified still bound and tied by the tenets of the Church of Scotland prevailing at the time of the Disruption? Was the Free Church, by the very condition of her existence, forced to cling to her subordinate standards with so desperate a grip that she has lost hold and touch of the supreme standard of her faith? Was she from birth incapable of all growth and development? Was she (in a word) a dead branch and not a living Church?"†

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* Sheriff Orr's "Free Church of Scotland Appeals," pages 595-596.

† Sheriff Orr's "Free Church of Scotland Appeals," pages 573, 578.

And Lord Lindley, the other supporter of our case, said:—

> "Both appeals are based on the erroneous view that the Free Church had no freedom; but that it was bound hand and foot to certain doctrines, expressed in language admitting for all time of only one meaning. I am quite unable so to regard it. The struggle for liberty was not so abortive as that." *

Why then were we still held by the old bonds? Because our freedom was measured by that of the Established Church. Because it was held that in 1843 we brought manacles and fetters with us from the prison house. Look at the pleadings for the appellants:—

> *Mr. H. Johnston:* The question would be: *Have the Established Church ever exercised that alleged claim?*

Again:—

> *Mr. Johnston:* I think we are at one upon that, my lord, because of the idea which ran through the Free Church Constitution that *they were the Established Church.*
>
> *The Lord Chancellor: They still claimed to be the same Established Church.*

Again:—

> *Mr. H. Johnston:* If the Free Church have what they assert, inherent legislative power, *they have it because they derive it from the Established Church.*

With still greater effrontery they brought us under the Acts of Parliament applicable to the Church of Scotland, and gave us the *benefit* of all the ancient Statutes; thus—

> *Mr. H. Johnston:* The historical position of the Established Church at the date of 1843, as that position is disclosed not in the writings of controversial historians, but *from the acts of Parliament themselues*, is absolutely essential to determine what the rights which the Free Church carried from the Establishment into their position of freedom, were. †

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* Sheriff Orr's "Free Church of Scotland Appeals," page 608.

† Sheriff Orr's "Free Church of Scotland Appeals," pages 187, 197, 205.

And so, there are hundreds of pages of arguments, in the case as presented before the House of Lords, all dealing with what the Church of Scotland as by law established might or might not do in bygone days. That was the great irrelevancy—that was the giant wrong that was done to us. We paid a big price that we might be free to do more than an Established Church can do. Then they said —You have paid the price of your emancipation, but we will treat you as bond-slaves still. We had got well out of Egypt. It is true some of our first leaders cast a wistful look behind, yet we had got clear away. But still our State-Pharaoh hardened his heart; Pharaoh still said—I will pursue, I will overtake, I will divide the spoil. And so long as there is a State Church in Egypt, so long will there be a pursuing Pharaoh. So long as there is a Church established, so long will men fail to recognise that there can be a Church free. So long as the Church rides about in a royal chariot, so long will all men count her a helpless invalid. But take away the chariot, and all will see that the lady can walk on her own feet Emancipate the State Church, and your edict of emancipation will affect all Churches. Strike off the trammels of State connection, and you will send a quiver of freedom over the whole land, and through every Dissenting Church in the country. Lay low the dividing wall, and light and air will stream in.

Fell the forest, and you will let in the sun.

CHAPTER XXIII.

GOING TO PARLIAMENT.

"By Hooker's Theory you first corrupt the Communion of the Church, and then you place the government of the Church in the hands of men who are almost sure to be altogether unfit for the task."—R. W. DALE.*

THE General Assembly of the Church of Scotland, in May, 1919, appointed that a Commission of Assembly should be called for a date in December, 1919, to consider the Reports of Presbyteries relative to the Draft Articles as the basis of an approach to the Government; and they empowered the Commission, in the event of a majority of Presbyteries so approving the Articles,—

> "to authorise the Committee to approach the Government in regard to the legislation necessary with a view to union."

They also directed the Committee to report the result of their communications with the Government to the General Assembly of 1920. †

Accordingly, the Commission met on 17th December, 1919. Figures were submitted showing 74 Presbyteries approving, 9 disapproving, and 1 neutral, the numbers in the 84 Presbyteries from which figures had been received being—For approval, 992; disapproval, 273. Thereupon the following motion was adopted:—

> "That the Commission, having received a report on the returns from Presbyteries, authorise the committee to approach the Government in regard to the legislation necessary with a view to union, and direct the committee to report the result of their communications with the Government to next General Assembly. ‡

* "Life of R. W. Dale," by his Son, page 373.

† *Scotsman* of 28th May, 1919.

‡ *Scotsman* and *Glasgow Herald* of 18th December, 1920.

1.—Where is the Competency?

It is a strange system that ordains that the Church must go to the Houses of Parliament to have its Constitution and its Creed approved. Parliament is admittedly composed of men of all creeds, and men of none. Yet these men are set to be the judges of the most delicate and sacred affairs that concern Christ and His Kingdom. Some, indeed, have contended that Parliament is well qualified for the task. Chalmers, in his London Lectures, declared that it was the business of the Government—

> "to establish and endow *right-thinking ministers* of a certain denomination," *

and he saw no difficulty in a Government selecting one such denomination of *right-thinking men* for the National Religion. He was confident that any Assembly of *well-educated Englishmen* could easily settle, and rightly decide, the question in its broad outlines, and especially as between the relative merits of Protestantism and Popery:—

> "This, of all the countries in Europe, is not the land where it should be difficult to find hundreds or even thousands of the upper and middle classes in society, with information enough and scholarship enough to pronounce intelligently upon this question—the richest of Christendom in that literature, and accessible too to all readers, the literature of the Christian evidences—the land of the Stillingfleets and the Clarkes and the Butlers and the Lardners and the Paleys." †

For those who recoiled from these ecclesiastical names, or were unconvinced by their reasonings, Chalmers provided a further course in Bacon and Newton and Milton and Locke and Boyle and Sir Gilbert West and Lord Lyttelton. And with airy confidence he concluded:—

> "In this nation, of all others, there is none with *the ordinary schooling of a gentleman*, who could not thoroughly inform himself, and *by the reading of a few weeks*, on this great question." ‡

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* Select Works, Vol. XI., page 214.

† Select Works, Vol. XI., pages 183-184.

‡ Select Works, Vol. XI., page 184.

And so, after all, the wisdom of the Schools is to sit in judgment on the truth and purity of that Christian Faith, of which the Apostle said :—

> "That your faith should not stand in the wisdom of men, but in the power of God." *

It cannot be said that the studies of Statesmen have justified the confidence of Chalmers. Rather have they, through a thousand blunders, ever been forcing the Church to face the choice indicated by Mr Gladstone in connection with the Gorham decision of the Privy Council on 8th March, 1850 :—

> "You have our decision ; take your own ; choose between the mess of pottage and the birthright of the bride of Christ."

One would like to think that the words be added were still true :—

> "But she that, a stranger and a pilgrim in this world, is wedded to the Lord, and lives only in the hope of His coming, *would know her part.*" †

2.—Why Bring In Politics?

It is common to represent objections to Establishments as the outcome of partizan feeling and political bias. Thus Chalmers, in his London Lectures, spoke of the Voluntaries as—

> "those impetuous and bustling agitators, in whose breasts politics have engrossed the place of piety." ‡

But the foundation and justification of political action lie in the existence of the Establishment. When you make the Church an institution of State, from that moment you expose it on all sides to political attack and defence. It is one, and not the least, of the evils of State connection that, on both sides, men watch the movements, and seize the opportunities, of those political tides that are in the affairs

* I. Cor. ii. 5.

† *W. E. Gladstone* by G. W. E. Russell, page 90.

‡ Select Works, Vol. XI., page 133.

of men. The Church of Scotland Report says quite candidly that—

> "in the opinion of the Committee, the public and parliamentary circumstances of the time favour an immediate advance." *

While the Rev. Duncan Cameron, Kilsyth, in advocating union at the Synod of Glasgow and Ayr, urged that—

> "the political situation was now favourable to the union." †

It is a common habit to set up an unjust political institution, and then denounce all who attack it as men actuated by political bias. Nor are the defenders of such institutions less political than those who attack them. Dr. John Brown says the charge of an over-fondness for political studies and pursuits, as made against Dissenters generally, comes with a very bad grace from those who usually bring it, they being generally themselves keen partizans, while by refusing dissenters equal civil rights they compel Dissenters to become politicians in their own defence. ‡ So also, of Dr. Heugh his biographer says :—

> "He was ready with his answer to the charge of political agitation—a charge peculiarly incongruous, as coming from those whose very system, in contra-distinction to his own, did not reject, but claimed a political alliance for the Church ; thus giving the question, by necessity, a place in the province of politics, as well as in that of religion." **

Here I am able, further, to quote two men, both of them far removed from the partisan play of ordinary political strife. The Rev. Dr. John Ker wrote in 1876 the Synod Pastoral of the United Presbyterian Church, and in it he said :—

> "We are called, in reproach, political Dissenters when we seek the redress of civil grievances. What name is to be given to those who are so busy in politics to keep

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* Church of Scotland Report, 1919 ; page 20.

† *Glasgow Herald*, 15th October, 1919.

‡ "The Law of Christ respecting Civil Obedience," page 231.

** MacGill's Life of Hugh Heugh, D.D., page 273.

the grievances alive, and who will not let us put an end to the name of Dissenters by granting the equality which belongs to us as citizens and Christians?" *

In like manner Dr. Maclaren of Manchester:—

"I heartily echo the regret recently expressed by the distinguished Bishop of this diocese that the Church should be *dragged* into political controversy, and my regret that it should is one of my reasons for seeking Disestablishment, inasmuch as it must expect to be discussed as a political institution so long as it is one. But my regret is still greater that the Church as a whole should *rush* into political controversy, and that, by a deplorable hallucination, almost always on the wrong side, for the few against the many, for the privileged classes against the nation, for restrictions upon freedom, for all the antiquated prerogatives that the world has outgrown." †

3.—Where is the Mandate?

An approach is to be made to the Government; but they, on their part, are absolutely without any mandate to deal with this question, as the present Parliament was elected on altogether other issues, and is without the smallest tittle of authority to travel in the subject. It is not enough to commit the Church before Kirk-Session or Congregations, not to speak of Presbyteries, have given their voice; the Church question must also be finally settled in this Parliament, without any appeal to the electors of the country. In past contests, it was recognised on both sides that the people must be definitely consulted. Those who stood for the separation of Church and State in Scotland fought Election after Election on the subject, until in 1889 Mr. Gladstone was obliged to confess that the time had come when the sense of Scotland had been "sufficiently and unequivocally declared." ‡ On the side

* Synod Papers of the United Presbyterian Church, 1876, page 115; "the Jubilee of the United Presbyterian Church," page 42.

† "Religious Equality," by Alexander Maclaren, B.A., D.D., pages 14-15.

‡ Letter to Dr. Hutton, 20th June, 1889; Life of Dr. Hutton, by Dr. Oliver, page 141.

of the Establishment, the demand for submission to the people was even more emphatic. Lord Sands (then Mr. C. N. Johnston) declared the question to be one of paramount importance, and wrote as follows :—

> "Church defenders must seek to secure the return to Parliament of members who will promise either (1) to vote against Disestablishment out and out; or (2) to vote against it until the question has been submitted, as *the main issue at a General Election, to the people of Scotland*; or (3) to insist that the people of Scotland shall have *a separate vote "Yes" or "No"* upon any Disestablishment Bill before it becomes law. The position of being content with any one of the three above undertakings is moderate and reasonable, and if properly explained, it is an eminently popular one, because it does no more than reserve to the people *the right to settle the question for themselves.* Let the people understand that Church Defence *accepts the watchword 'Trust the people,' and courts the verdict of the people.*" *

We would ask Lord Sands where now is his trust of the people, and how he is now courting their verdict by rushing this scheme through in hot haste before the present Parliament expires, behind the back of the nation, and before the people can be consulted in General Election? If the separation of the Church and State demanded a special appeal to the people on a main issue, equally so must this scheme which seeks to settle the question for all time on an Establishment basis, and to make Disestablishment for ever impossible.

Lord Balfour of Burleigh constantly preached the same doctrine. In the General Assembly of 1892, referring to the statement of a writer on the other side who had said that the Church defenders had been out-manœuvred and out-generalled, Lord Balfour said :—

> "It was a game, it was a manœuvre, it was a time for generalship and for manoeuvre. It was easy to out-general and out-manoeuvre those who would take no part in such operations. What the Church

* Handbook of Scottish Church Defence, pages 29-30.

wanted was, *without manoeuvre, without generalship*, without anything that would interfere between them and the people themselves, *to take from the people, in any way that might be pointed out, their opinion on the important question of the Church.*"

Then he endorsed a saying of Gladstone on another subject that such a change ought not to be made without the fullest consideration, and *the most deliberate assent of the nation as well as of Parliament*, and he used these still delightfully relevant words :—

"He said to their opponents, if they had confidence in the strength of their cause, let some means be devised by which the question could be put to the people. They said they wanted it out of the way. In answer to that, he said—and he thought the Assembly would support him—let them devise some means by which they could test the feeling of the people, and let them see upon which side the truth lay. They were told that they could not have an Election. *Personally, he could not see why not.*" †

The Italics are my own!

† *Scotsman* of 26th May, 1892.

CHAPTER XXIV.

REACHING THE MASSES.

"*The Christian Statesman will then understaud how religion, by separation, effects a better union; that by separating itself from the* State, *it unites itself better to the* people *and the* country; *that this divine vital fluid abandons obstructed canals, to flow more freely through the open veins of humanity, and that the policy we counsel appears only to take something from the State in order to give it, under another form, much more and much better*—auctius et melius.

—VINET. *

THE proposals put forward with a view to Union are urged in view of the pressing need there is for unifying and concentrating the work of the Churches on a great Home Mission effort to reach the many thousands of the people who have no real connection with any branch of the Church in Scotland.† We have, therefore, to face at once the question whether the action foreshadowed will bridge or will widen the gulf that now separates these masses from the Church. Will the step to be taken commend us to the non-churchgoing, or alienate us still further from them? What has Establishment meant in the past? We need hardly say that it is not a question of individuals. Some of the most advanced social reformers are ministers or members of the Church of Scotland. Some of the greatest Parliamentary champions of liberty and democracy have come from the Established Churches of England and of Scotland. Some of our greatest reactionaries in Church and in State are to be found among non-conformists. Dissenting Churches have often failed as lamentably as thos connected with the State. Thus Lord Shaftesbury says of his struggle to obtain factory legislation:—

> "In very few instances did any mill-owner appear on the platform with me; in still fewer, the ministers of any religious denomination. At first not one,

* Essay on Religious Conviction and Separation of Church and State, pages 354-355.

† United Free Church Report, 1919, page 3; Church of Scotland Report, 1919, pages 25-26.

except the Rev. Mr. Bull, of Brierly, near Bradford; * and, even to the last, very few, so cowed were they (or in themselves so indifferent) by the overwhelming influence of the cotton lords. I had more aid from the medical than from the divine profession." †

But we have to look at the general influence of systems, and the general effects of Establishment.

1.—The Cause of Liberty.

A few months before his death, Count Cavour, addressing the Italian Chamber, at Turin, said: "The union of temporal and spiritual power has always and everywhere been a source of evil." And when the end came on 6th June, 1861, the ruling passion of his life was strong in death, and the last words he was heard to utter were these, addressed to Fra Giacomo:—

"Brother, brother, THE FREE CHURCH IN THE FREE STATE." ‡

These historic words embody a far-reaching truth. Only as the Church is free, can it liberate the State; only as the State is finally liberated, can the Church be fully free. Civil and religious liberty in all countries go hand in hand. The stifling influence of Establishment in this regard is strikingly illustrated in Lecky's testimony:—

"It is to Puritanism that we mainly owe the fact that in England religion and liberty were not dissevered: amongst all the fluctuations of its fortune it represented the alliance of these two principles, which the predominating Church invariably pronounced to be incompatible. The attitude of this latter Church forms indeed a strange contrast to that of Puritanism. . . . She naturally flung herself on every occasion into the arms of the Civil power. No other Church so uniformly betrayed and trampled on the liberties of her country. In all those fiery trials through which English liberty has passed since the Reformation, she invariably cast her influence into the scale

* Vicar of Bradford.

† "The Life and Work of the Seventh Earl of Shaftesbury, K.G.," by Edwin Hodder, Vol. ii., page 209.

‡ Cadogan's "Life of Cavour," pages 329, 331, 362.

of tyranny, supported and eulogised every attempt to violate the constitution, and wrote the fearful sentence of eternal condemnation upon the tombs of the martyrs of freedom." *

2.—Human Progress.

Lord Russell declared that it was the Dissenters who carried the abolition of slavery; and Sir George Stephen in his Anti-Slavery Recollections says he had it from a friend, a member of Parliament—

> "that, with a single exception, the whole Episcopal Bench had avowed to him, some in one form and some in another, that though their hearts were with us, they dared not support a principle that trenched on the rights of property; if the slaves went, tithes must soon follow them." †

In 1842, Richard Cobden wrote to John Bright:—

> "Here is a good opportunity for doing justice to the dissenting ministers, who met last year to proclaim the miseries of the people, and to propose a better remedy than alms-giving. The Church clergy are almost to a man guilty of causing the present distress by upholding the Corn Law, they having themselves an interest in the high price of bread, and their present efforts must be viewed as tardy and inefficient, if not hypocritical." ‡

Nor is the testimony any better if we take it from within the Establishment itself. Arnold of Rugby makes the sweeping assertion:—

> "It is vain to deny that the Church of England clergy have politically been a party in the country, from Elizabeth's time downwards, and a party opposed to the cause which, in the main, has been the cause of improvement."

It is fair to say that he counts dissenting ministers nearly as bad, and as narrow-minded, but then, he adds, they have

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* History of Rationalism in Europe, ii, page 178-179.

† Sir George Stephen, "Anti-Savery Recollections," pages 175-179; "Disestablishment," by Henry Richard, M.P., page 42.

‡ "Richard Cobden," by John Morley, Vol. i., page 231.

more excuse, inasmuch as they "belong generally to *a lower class in society, and have not been taught Aristotle and Thucydides.*" Grave disabilities, forsooth, attaching, it so happens, not to them only, but also to the first Twelve Apostles of our Lord! *

Canon Farrar is as severe as any Dissenter could be:—

> "To us English Churchmen, to me at least, it is a humiliating lesson to observe how few of the great moral and humanitarian reforms were wrought by English Churchmen; how our Bishops and clergy have been often lukewarm or hostile to changes which were asked for the advance and happiness of the human race; how there is scarcely one English clergyman whose name has been immortally identified with the maiming of monsters, the slaying of dragons, and the casting out of devils." †

And Mr. Gladstone, speaking in connection with his campaign against the Turkish atrocities in Bulgaria, said:—

> "I am a member of the Church of England. I am a decided and convinced member of the Church of England. I have been there all my life; and there, I trust, I shall die. But that will not prevent me from bearing an emphatic testimony to this, that the cause of justice, the cause of humanity, of mercy, of truth, of right for many millions of God's creatures in the East of Europe, has found its best, its most consistent, and its almost unanimous supporters in the Nonconformist Churches of the land. ‡

3.—The Trend of Democracy.

Modern Democracy is inspired by instincts of justice. It demands fair play, no favour, equal treatment all round. Its whole drift, in all countries, is dead against civil and ecclesiastical monopolies of every kind. And are we to win democracy by flouting its fundamental principles? Is our

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* Stanley's Life of Dr. Arnold, page 245.

† Sermon at St. Margaret's, Westminster, 14th February, 1892.

‡ *The Times* and the *Glasgow Herald*, 13th November, 1877; Speech at Holyhead, 12th November, 1877.

Church, in the words which Dr. Rainy used when speaking of the project of Re-establishment,—

> "to take up arms for the defence in this country of a privileged position against the strongest forces of the time?" *

Are we to revive an ecclesiastical monopoly when all other monopolies are toppling to the ground? Is Scotland to be the last refuge of ecclesiastical privilege? Is Presbyterianism to bear this odium? Is the Church, of all bodies, in the name of winning the masses, to set up this perpetual challenge to democracy? Are we to erect a House of Refuge for hunted privilege? Is monopoly in its race for life to find a last hope in clinging, like criminals of old, to the horns of the altar, and seeking sanctuary in the precincts of the Church? So to harbour monopoly, and reinstate privilege, is to prejudice and alienate the masses, not to win them. This has been well expressed by Professor Carnegie Simpson:—

> "We must remember we are stewards for the future. It is our serious charge to hand our Church life on as unentangled, untainted, unprejudiced as we can. And with profoundest conviction do I believe that we shall entangle its liberties, taint its spirit, and prejudice its whole position before the world we have to win, unless we hand it down simply *clear* of the statutory relations, the secularising influences, and the preferential privileges of establishment in any shape or form whatever." †

4.—Defenders of Privilege.

It is not merely that we defend this one privilege. We are driven to range ourselves on the side of privilege itself. We say in effect, Touch this monopoly of ours, and we will lay aside all our other principles of equality, and ally ourselves with the defenders of vested interests and ancient wrongs in every department of public life. We are led to defend privilege at first *ad hoc*, then *quoad omnia*. It was this that led Robert Hall to say:—

> "Turn a Christian Society into an Established Church, and it is no longer a voluntary assembly for

* Free Church Assembly Proceedings, 1885, page 612.

† Dr. Carnegie Simpson's "Site of Union," page 28.

> the worship of God; it is a powerful corporation, full of such sentiments, and passion, as usually distinguish those bodies—a dread of innovation, an attachment to abuses, a propensity to tyranny and oppression." *

And so, as Dr. Clifford has said, the Church comes to be associated with injustice, and is made a rock of offence and a stone of stumbling; it presents itself to the gaze of men as rapacious, and lustful of power and glory; and thus it—

> "alienates the masses of the people from an institution which is set to proclaim the justice and love, mercy and grace of God to all men, and to repeat the marvellous attractiveness of the Cross of Christ." †

5.—How we Might Help to Win the Masses.

The gratifying effect on the people of the separation of Church and State could not be better illustrated than in the pronouncement of Lord Plunket, Bishop of Meath, and afterwards Archbishop of Dublin, in regard to the situation in Ireland:—

> "Had we been called upon to face a land agitation at the time when our clergy, as Ministers of a State-protected Church, received their tithes from the poor, or even when they drew their tithe rent charge from the landlords, some of them in very needy circumstances, how intolerable would have been our position, both as regards the obloquy and outrage we should have had to endure, and the cruel straits to which we should have been inevitably reduced. But now, however, the very disaster which seemed most to threaten our downfall has been overruled for good. Our separation from the State thus takes away one, at least, of the handles whereby our enemies were wont to bring us into disrepute; and our dissociation from all connection with the land, whether as receivers of tithe or rent charge, has saved us from those fresh complications which an agitation such as the present would at that time have brought about." ‡

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* The Works of Robert Hall, A.M., Vol. iii., page 145.

† "The State, the Church, and the Congregation," by John Clifford, LL.D., D.D., page 10.

‡ Disestablishment, by Henry Richard, M.P., and J. Carvell Williams, M.P., page 134.

In like manner, the Church of Scotland has it in her power at this present moment, by a grand surrender of the public emoluments, by signing a new "Deed of Demission," to rouse the enthusiasm and win the attachment of the now alienated masses. On the other hand, the Churches have everything to lose by retaining the State endowments. Dr. Rainy once pointed out that in seeking these public monies Churches could not be said to be animated by a sordid or self-regarding spirit, inasmuch as they sought it not for themselves, but for the cause of Christ; yet he declared with emphasis that for ourselves we sought no such pecuniary and secular advantages:—

> "On different occasions—on, two, three, and four occasions in previous Assemblies—we have emphatically indicated, indeed emphatically said, that this is not the object we have in view." †

But to turn back on that now, is to doom ourselves in the eyes of the Democracy for generations to come. The Church of Scotland does not suffer here. They are but standing on their old ground. We are turning our back on our past policy and past promises solemnly announced before the whole world; and we can expect from the people nothing but scorn of a Church that for almost two generations has been declaring publicly for Disestablishment and Disendowment and now comes in, directly or indirectly, to share the very State privileges and State endowments against which they had declaimed. This is to usher in the *Doomsday* of the United Free Church.

6.—How the Masses have been Won.

It is not in alliance with the State, but in separation from it, and often in opposition to it, that the Church has won its most striking triumphs, and brought the people in great mass movements within its borders. This has been finely expressed by Rev. Dr. Walker, of Carnwath, in these eloquent terms:—

> "And what is our Scottish experience? Why, the religion of Scotland has, we may say, chiefly flourished in separation from the state, or under its

† Free Church Assembly Proceedings, 1882, page 76.

frown—as in the first years of the Reformation—as in the period preceding 1638, when the gospel was preached with the "tongue of fire," at Shotts Revivals and Carnock Sacraments, and the like, by such non-conforming Ministers as Bruce and Livingstone and Blair and Dickson. Under the ban of the State sat the famous Assembly of 1638, sending life-impulse through the whole land; with no State countenance "mightily grew" the Word in the Commonwealth decade; in the fires of State persecution, during the reigns of the last Stuart Monarchs, the "Kingdom" had one of its most glorious times, and harvests of souls were gathered in. The Secession was almost the ark of spiritual life in those dark days, when within the Established Church the State was confederate with apostate churchmen in trampling down the rights of God's heritage; and when we ourselves were driven from State connection, it was not to have our energies quenched, but replenished; it was not to have our labours in God's cause slackened or straitened, but to engage with greater ardour and larger aims in all Christian enterprises both at home and abroad." ‡

‡ James Walker, D.D., of Carnwath Free Church; Essays, Papers, and Sermons; pages 251-252.

CHAPTER XXV.

RELIGIOUS EQUALITY.

"Religious Equality, it is true, is the last discovered of human birthrights, but it is not, on that account, the least valuable of them."
—EDWARD MIALL. *

I.—It is a Fundamental Principle.

IT has been often debated whether Establishment is a principle, or only at most the application of a principle. We have no hesitation in declaring that Religious Equality is not only a principle, but one of the most fundamental and indispensable of all Christian principles. It brings us back, in this question, to the primal duties, to the elementary principles of right and wrong. It is of commanding authority; and had it power, as it has authority, it would, like conscience, rule the world. It will be content with nothing less than its full claim. It brooks no patronage. In the words of Oliver Wendell Holmes, it counts toleration an insult to mankind. It demands not only the equal treatment of all Churches in the eyes of the law, but the equal treatment of all citizens in respect of religion. It is a higher principle than even Spiritual Independence, because it includes and transcends it. It is broader, for it grants to all others all it claims for itself. It is deeper, basing itself as the fundamental condition of all religious freedom; for it is only as equal freedom is given to all for the expression of every kind of religious conviction that there can be the full and free development of Spiritual Independence. It allies itself with political justice and civil right as one of the essential pillars of a stable government. It accompanies that natural justice which Mr. Gladstone declared to be older and broader than Christianity itself. At the same time it links itself ever with the highest Christian principles, as when the Protestants of France some fifteen years ago called for the separation of Church and State in that country "in the name of true Christian principles, of liberty of conscience, and of equal

* 3 Hansard, ccxvi., pages 21-22; Speech on 16th May, 1873.

rights for all." * It has asserted itself time and again in the history of our country—more abroad than at home. We have it in the Queen's Proclamation, when she assumed on 1st November, 1858, the Government of India, and used these terms :—

> "Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in anywise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us, that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure." †

Perhaps the most daring and most thorough application of this great principle was in the speech made by Mr. Gladstone on the Parliamentary Oaths Amendment Bill, when he said :—

> "*I am convinced that upon every religious, as well as upon every political ground, the true and the wise course is not to deal out religious liberty by halves, by quarters, and by fractions; but to deal it out entire, and to leave no distinction between man and man on the ground of religious differences from one end of the land to the other.*" ‡

2.—It Knows no Sect.

This principle gives equal protection to all denominations; favours none, degrades none. It is or should be a great Protestant principle, but it dare not give State-preference to the Protestant over the Catholic Faith. It

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* Petition from Department of Charente, signed by 768 Protestants, including 27 Pastors.

† "The Oxford History of India," by Vincent A. Smith; pages 728-729.

‡ 3 Hansard, cclxxviii., page 1191; Speech of 26th April, 1883.

will not debase Protestantism by assuming that it needs any such buttressing. It will not deny to Catholics aught that it claims for itself. Chalmers in his London Lectures, advocating the endowment of Protestantism, recoils in horror at the thought of endowing Roman Catholicism. He says:—

> "Should the monstrous proposition ever be intertained not to tolerate (for that is quite as it should be) but to endow Popery—not perhaps to abolish, but at least to abridge the legal funds for the support of Protestantism, and at all events to uphold an antiscriptural, and with this exaggeration, that it should be at the expense and with the diminution of a scriptural faith—let us hope that there is still enough, not of fiery zeal but of calm, resolute, and withal enlightened principle in the land to resent the outrage —enough of energy and reaction, in the revolted sense of this great country, to meet and overbear it." *

But it is as monstrous to endow Protestantism as to endow Roman Catholicism, as great a wrong, an outrage as much to be resented by Catholics as the other by Protestants. And if it be right for us to do it, then all other Faiths that have the power, may with equal title do the same. Thomas Scott, the Commentator, himself a Rector in the Church of England, has put this for us with great force:—

> "If no way of defending our Establishment can be devised, which would not, if fairly applied, defend the establishment of Popery, Mohommedanism, or Pagan idolatry, by the authority of kings and rulers, I must acknowledge the cause to be desperate. Yet, if it be a *right* of kings and rulers to prescribe the creed and manner of worship, with its appendages, to their subjects, and to enforce their concurrence, it must be equally the right of all kings; for they all think, or profess to think, their own religion to be the true religion. Again, if it be the *duty* of kings and rulers to prescribe these things to their subjects, it is equally the duty of all kings, and for the same reason. This is the *palladium* of those who oppose establishments; and how shall we deprive them of it?" †

* Chalmers's Select Works, XI., pages 184-185.

† Scott's "Letters on Conformity to the Established Church;" Works, IX., page 547.

3.—It Acknowledges no Majority Rule.

Many are found to justify Establishments where these can claim a majority of the people. Warburton, for example, says that when there are more religions than one, the State, in policy, "allies itself with the largest;" and "when the Church loses to any considerable degree its superiority of extent, the alliance becomes void." * And Macaulay, while not entirely agreeing with Warburton, yet resolves the whole question into one of the public expediency—by far the least worthy of all the grounds on which a State Church has been advocated. He brings his whole criticism of "Gladstone on Church and State" to a pitiable anti-climax in a feeble justification on this lower ground of the English and Scottish Establishments, while as a general principle he would allow the Civil Ruler—

> "to patronise the religious instruction from which he, in his conscience, believes that the people will learn most with the smallest mixture of evil." †

During our present union negotiations it has been insisted that in claiming recognition by the State as the National Church,—

> "the Church is claiming not an arbitrary privilege, but the recognition by the State of the historical and practical position which belongs to her, and which no other Church can claim or resent being denied."‡

From time to time it has been claimed that the reconstituted Church will in numbers and position be *de facto* the National Church, and may as well be recognised by the State as such; while the Archbishops' Committee on Church and State, already referred to, inform us that—

> "when the two Churches are united the vast majority of the people of Scotland will be included in the United Church." **

Now there is no clear evidence that the reconstituted State

* Warburton's, "The Alliance between the Church and State," Book iii., Chapter i.; Works, vii., pages 242-243.

† Macaulay's Essay on "Gladstone on Church and State," pages 8-9.

‡ Church of Scotland Report, 1919; pages 8-9.

** Report of the Archbishops' Committee on Church and State, page 200.

Church will command even a majority of the people of Scotland. Dr. Howie, in his fifth estimate of persons in Church connection, put the numbers for the Established, Free, and United Presbyterian Church combined at 463.5 per 1000 of the population; other Protestant Denominations at 71.7; Roman Catholics at 87.6; and the Churchless at 377.2. Some of his other estimates give a somewhat larger share to the Churches; but on this reckoning, even supposing the Churches could claim the same proportion as in 1891, and even if there were no secession, the new United Church would only embrace 46 per cent. of the people. † This is further borne out by a Circular recently issued by the Church Union Association, in which it is said:—

> "The two Churches number within their membership only about a fourth of the population of Scotland. If adherents, Sunday scholars, and pupils in Bible Classes be included, the proportion is probably not more than one-half." ‡

It is said that the State recognition would be but a *de facto* recognition, and that nobody would feel it, and no other Church could justly resent it. But Roman Catholicism is *de facto* the national religion of Ireland. If it were proposed on that ground to recognise it as such by the State, and to bestow on it privilege and endowment, would the Presbyterians of Ulster not feel it? Would none resent it? Would there not, in Chalmers's words, be enough of *fiery zeal* in that land to resent the *monstrous outrage*? Yet the injustice is at least as great here, as it would be there. Nor would it avail though you had virtually the whole nation with you. Those injustices that are perpetrated against the few are ever the most pitiless and the most inveterate. The larger the majority, the more heavy the injustice.

4.—It condemns Establishment in every Form.

This great principle condemns every form of Establishment, full-blown or attenuated. It rules out all systems of State endowment, single or concurrent, for every such

† "The Churches and the Churchless in Scotland." by Rev. Robert Howie, M.A., 1893; page 119.

‡ Circular of 15th July, 1919.

system defies the rights of conscience, and sets at naught all standards of equity. In every system the State selects, or as in the case before us re-selects, a Church and bestows on it national patronage, social leverage, political status, and public monopoly. It establishes or re-establishes political inequality upon an entirely conventional basis. It virtually advises the people to adopt and follow that religion on which it has put its imprimatur. It casts the whole weight of its influence on the side of one particular Church. Thus, that which is the common property of the whole nation—its influence, honour, and wealth—are made over exclusively to a segregated part of the nation, and all others are shut out from their own possessions because of their religious faith. And the inequality is in the intent as well as in the fact. The favoured Church intends to gain by the very fact of its being specially recognised. It seeks, in Chalmers's words, to take advantage of—

> "the promptitude of men to do homage and deference to that which is established, and just because it is so."

So glaring, indeed, is the partiality that it is admitted by most defenders of Establishments. Chalmers, in his London Lectures, abandons the idea of trying to do equal justice to all sects under a State system, and he frankly says:—

> "The attempt to combine the territorial principle with an equal treatment of all the denominations, *must be given up as impracticable;* and some one denomination must be singled out for an establishment, whose ministers are to be charged overhead with the Christian education of the whole country." †

Archbishop Magee and others have, with equal frankness, confessed that Establishment is "founded on the principle of religious inequality." As for our negotiating Churches, their reports over a period of ten years are absolutely silent as to this great principle; and inequality is written in large letters across many of their principal proposals.

5.—It is the need of the Hour.

On the 23rd May, 1838, following on the judgment in the first Auchterarder Case, Dr. Robert Buchanan moved

† Chalmers's Select Works, Vol. xi., pages 209 and 211.

in the General Assembly a motion declaring the spiritual independence of the Church. In his speech he declared that the doctrine of the Church's spiritual independence was no new one. It was inscribed, not infrequently in characters of blood, on many of the brightest and most memorable pages of our ecclesiastical history :—

> "Like some ancient banner which has been borne in triumph through many a hard fought field, it hangs honoured and venerated within our Church's armoury : and there is no cause, it may be thought, why we should now be shaking the dust from its folds and flinging it again abroad to the winds of heaven." *

Then he shewed why they should unfurl it. We too, like the Disruption Leaders, have no need to design a new banner. We have one, I will not say in our armoury, but in our hands—the banner of religious equality. Borne sometimes in triumph, and sometimes in defeat, through many a hard fought field, it has often in these last dark years drooped over our sinking heads ; but we have never allowed it to slip from our grasp, nor the dust of ages to gather on its folds, and once again we proudly fling it to the breeze, assured that multitudes will rally round it, and that, with firm hand and unfaltering step, they and we together shall carry it forward to hard-won but certain victory. And on that historic banner we would now inscribe the words that John Locke has imprinted on the opening pages of the most original, consistent, and courageous of all his works :—

"Absolute Liberty, Just and True Liberty,
Equal and Impartial Liberty,
is the
Thing that we Stand in Need of." †

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* Buchanan's Ten Years' Conflict, I. ; page 471.

† Locke's Letters on Toleration, page 4.

APPENDIX I.

THOMAS CARLYLE ON "JENNY FRASER *versus* THE DUKE OF BUCCLEUCH."

"I must tell you another thing I heard which struck me considerably. You remember a lump of an old woman, half haveral, half genius, called Jenny Fraser. The 'Duke' had decided on high that not an inch of ground should be allowed for a 'non-intrusion' church in that region. No church shall there or thereabouts be. It is paltry to stop the mouths of men that observe any measure in their complaining—very poor, even if a Duke had made all the land he refuses to concede a few yards of. Well; but old Jenny Fraser possesses about Boatford a patch of ground independent of all persons, just about equal to holding a church and its eavesdrops, and says *she* will give it. Hunter of Merton Mill and agents are at work. Go to Jenny, offer her 10*l*., 20*l*.; indicate possibilities of perhaps more. Jenny is deaf as whinstone, though poor nearly as Job. She answers always, 'I got it from the Lord, and I will give it to the Lord.' And there, it seems, the Free Kirk, in spite of Duke and Devil, is to be. I had a month's mind to go and give Jenny a sovereign myself; but I remembered two things: first, that she had for some reason or other become a stranger to her former benefactress, and then, secondly, it might have a factious look, better to avoid at that moment; we can do it better afterwards, and I can hear your opinion withal—'Duke *versus* Jenny Fraser!' It is as ridiculous a conjuncture as has happened lately. These poor people, living under their Duke in secret spleen and sham loyalty, are somewhat to be pitied. 'The earth's the Lord's and no' the Duke's,' as Charlie Rae said." †

Penpont United Free Church stands on the ground gifted by Jenny Fraser in these quaint words, in her own handwriting:—

> "The deed of gift is to be as free from henceforth to the Free Church as I wish the heavenly mansion to be made to me, and to last the property of the Free Church while Sun, Moon, and Stars endure.—Signed by my hand this 18th of August, 1845." ‡

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† Froude's Carlyle, New Edition, iii., pages 344 to 345.

‡ Drumlanrig Castle and the Douglases, by Craufurd Tait Ramage, LL.D., page 360.

APPENDIX II.

LETTER FROM THE FACTOR OF THE EARL OF CAWDOR TO THE OFFICE-BEARERS OF THE FREE CHURCH OF CAWDOR PARISH.

CAWDOR CASTLE,
September, 1843.

GENTLEMEN,

As factor for the Right Honourable the Earl of Cawdor, and as authorised by his Lordship, I have to state in reference to your application for a site on which to erect a place of worship in connection with the "Free Church," that his Lordship, though feeling compelled by a sense of duty to decline granting your request as then made, is now willing, in the hopes that time may compose the unhappy differences on ecclesiastical matters which at present exist in the Parish, to allow the erection of a shed or temporary place of worship on the pasture or waste lands at Newton of Birdgate, but under the following conditions and reservations, viz.: that the said erection will be wholly of timber; and that it shall be removable by me, or the Earl's factor for the time being, at any time, on giving three month's notice in writing to any one of your number, or to the minister ordinarily officiating at the time. Should you fail to remove it yourselves within that time, the materials, if removed by me, as being his Lordship's factor for the time being, to be sold, and the proceeds, if any remain after paying the expenses of the removal and sale, to be lodged in the British Linen Company's Bank at Nairn, or other Bank there, for your behoof. That the consent of John Grant, the tenant of Newton of Birdgate, shall be obtained by you to such erection, and that any claim by him for abatement of rent, or any damages on account thereof, shall be borne by you, he expressly relieving his Lordship from any such claim, and that you shall likewise indemnify his Lordship for any damage that may be done to his plantations and fences, as well as his tenants for any damage done to their crops and fences, or property, by persons going to or returning from the said place of worship." *

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* "Witness" Newspaper, 21st October, 1843.

APPENDIX III.

ACT ANENT SPIRITUAL INDEPENDENCE OF THE CHURCH, 1906.*

The General Assembly resolve and declare as follows:—

1. They assert and protest that those branches of the Church of Christ in Scotland now united in this Church have always claimed, and this Church continues to claim, that the Church of Christ has under Him as her only Head independent and exclusive jurisdiction and power of legislating in all matters of doctrine, worship, discipline, and government of the Church, including therein the right from time to time to alter, change, add to, or modify, her constitution and laws, Subordinate Standards, and Church Formulas, and to determine and declare what these are.

2. The General Assembly accordingly declare anew and enact that it is a fundamental principle and rule of this Church that, in dependence on the grace of God, recognising the authority of the Word of God, contained in the Scriptures of the Old and New Testaments, as the supreme unchangeable Standard, and looking to the Head of the Church for the promised guidance of the Holy Spirit, this Church has the sole and exclusive right and power from time to time, as duty may require, through her Courts to alter, change, add to, or modify, her constitution and laws, Subordinate Standards, and Formulas, and to determine and declare what these are, and to unite with other Christian Churches: always in conformity with the Word of God, and also with the safeguards for deliberate action and legislation in such cases provided by the Church herself—of which conformity the Church herself, acting through her Courts, shall be the sole judge—and under a sense of direct responsibility to the ever-living Head of the Church, and of duty towards all the Church's members.

3. The General Assembly also declare and enact that in all the Courts of the Church a decision of the Court given either unanimously, or by a majority of its members present and voting, is the decision of the Court, and the decision of the General Assembly so reached is final. With respect to Acts which are to be binding Rules and Constitutions of the Church, the Assembly shall have regard to the safeguards referred to in the foregoing resolution.

4. The General Assembly further declare that the Church holds her funds and property, present and future, in conformity with these principles; the Church reserving her right to accept and hold benefactions, subject to specific conditions attached to them by the donor, when and so long as she judges these conditions to be consistent with her liberty and her principles, and to be expedient in the circumstances of the time.

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* Note—The Preamble of the Act is omitted.

APPENDIX IV.

DRAFT ARTICLES DECLARATORY OF THE CONSTITUTION OF THE CHURCH OF SCOTLAND IN MATTERS SPIRITUAL.

Articles as Submitted to The General Assembly of the Church of Scotland, 1919.

I. The Church of Scotland is part of the Holy Catholic or Universal Church; worshipping one God, Almighty, all wise, and all-loving, in the Trinity of the Father, the Son, and the Holy Ghost, the same in substance, equal in power and glory; adoring the Father, infinite in Majesty, of whom are all things; confessing our Lord Jesus Christ, the Eternal Son, made very man for our salvation; glorying in His Cross and Resurrection, and owning obedience to him as the Head over all things to His Church; trusting in the promised renewal and guidance of the Holy Spirit; proclaiming the forgiveness of sins and acceptance with God through faith in Christ, and the gift of Eternal Life; and labouring for the advancement of the Kingdom of God throughout the world. The Church of Scotland adheres to the Scottish Reformation; receives the Word of God which is contained in the Scriptures of the Old and New Testaments as its supreme rule of faith and life; and avows the fundamental doctrines of the Catholic faith founded thereupon.

II. The principal subordinate standard of the Church of Scotland is the Westminster Confession of Faith approved by the General Assembly of 1647, containing the sum and substance of the Faith of the Reformed Church. Its government is Presbyterian. and is exercised through Kirk-sessions, Presbyteries, Provincial Synods, and General Assemblies. Its system and principles of worship, orders, and discipline are in accordance with "The Directory for the Public Worship of God," "The Form of Presbyterial Church Government," and "The Form of Process," as these have been or may hereafter be interpreted or modified by Acts of the General Assembly or by consuetude.

III. This Church is in historical continuity with the Church of Scotland which was founded in 1560, whose liberties were ratified in 1592. and for whose security provision was made in the Treaty of Union of 1707. The continuity and identity of the Church of Scotland are not prejudiced by the adoption of these Articles. As a national Church representative of the Christian Faith of the Scottish people it acknowledges its distinctive call and duty to bring the ordinances of religion to the people in every parish of Scotland through a territorial ministry.

IV. This Church, as part of the Universal Church wherein the Lord Jesus Christ has appointed a government in the hands of Church office-bearers, receives from Him, its Divine King and Head, and from Him alone, the right and power subject to no civil authority to legislate, and to adjudicate finally, in all matters of doctrine, worship, government, and discipline in the Church, including the right to determine all questions concerning membership and office in the Church, the constitution and membership of its Courts, and the mode of election of its office-bearers, and to define the boundaries of the spheres of labour of its ministers and other office-bearers. Recognition by civil authority of the separate and independent government and jurisdiction of this Church in matters spiritual, in whatever manner such recognition be expressed, does not in any way affect the character of this government and jurisdiction as derived from the Divine Head of the Church alone, or give to the civil authority any right of interference with the proceedings or judgments of the Church within the spheres of its spiritual government and jurisdiction.

V. This Church has the inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the Church itself, to frame or adopt its subordinate standards, to declare the sense in which it understands its Confession of Faith, to modify the forms of expression therein, or to formulate other doctrinal statements, and to define the relation thereto of its office-bearers and members, but always in agreement with the Word of God and the fundamental doctrines of the Christian Faith contained in the said Confession, of which agreement the Church shall be sole judge, and with due regard to liberty of opinion in points which do not enter into the substance of the faith.

VI. This Church acknowledges the divine appointment and authority of the civil magistrate within his own sphere, and maintains its historic testimony to the duty of the nation acting in its corporate capacity to render homage to God, to acknowledge the Lord Jesus Christ to be King over the nations, to obey His laws, to reverence His ordinances, to honour His Church, and to promote in all appropriate ways the Kingdom of God. The Church and the State owe mutual duties to each other, and acting within their respective spheres may signally promote each other's welfare. The Church and the State have the right to determine each for itself all questions concerning the extent and the continuance of their mutual relations in the discharge of these duties and the obligations arising therefrom.

VII. The Church of Scotland, believing it to be the will of Christ that His disciples should be all one in the Father and in

Him, that the world may believe that the Father has sent Him, recognises the obligation to seek and promote union with other Churches in which it finds the Word to be purely preached, the sacraments administered according to God's ordinance, and discipline rightly exercised; and it has the right to unite with any such Church without loss of its identity on terms which this Church finds to be consistent with these Articles.

VIII. The Church has the right to interpret these Articles, and subject to the safeguards for deliberate action and legislation provided by the Church itself, to modify or add to them; but always consistently with the provisions of the first Article hereof, adherence to which, as interpreted by the Church, is essential to its continuity and corporate life. No alteration of or addition to these Articles should be made until the proposed alteration or addition has been transmitted by the General Assembly to the Presbyteries of the Church, and has contained the consent of a majority of two-thirds of the whole of the said Presbyteries in two immediately successive years, and in case in either year the requisite majority is not obtained, the same or a similar proposal shall not be again transmitted for the consent of Presbyteries until an interval of five years after the failure to obtain the requisite majority has been reported to the General Assembly.

IX. Subject to the provisions of the foregoing Articles and the powers of amendment herein contained, the Constitution of the Church of Scotland in matters spiritual is hereby anew ratified and confirmed by the Church.

APPENDIX V.

DECLARATION ON SPIRITUAL INDEPENDENCE

ADOPTED BY

THE PRESBYTERIAN CHURCH OF ENGLAND.

6TH MAY, 1908.

"Whereas it has always been a fundamental principle of this Church that the Church of Christ is under subjection to His authority alone, as her only Head, in all matters of doctrine, worship, discipline, and Church government, so that she is bound at all times to be guided in such matters by her understanding of His Will, under the guidance of His Word and Spirit:

And whereas the Subordinate Standards of the Church are, by their very nature, subject to revision from time to time, as the Church, through the promised guidance of the Holy Spirit, may be led into a fuller and more correct understanding of the revelation of the mind and will of God which is contained in Holy Scripture, the one Supreme Standard of the Church:

Therefore the Synod claims anew for this Presbyterian Church of England the sole and exclusive right from time to time to interpret, alter, add to, or modify her constitution, law, subordinate standards and formulas, as duty may require; to determine and declare what these are; and for the better furtherance of the Kingdom of God to unite with other branches of the Church of Christ; always in conformity with those safeguards against hasty action or legislation which are provided by the Church itself—of which conformity the Church, acting through her legitimate Courts, shall be the sole judge—and under a sense of direct responsibility to the ever-living Head of the Church, and of duty towards all the Church's members."*

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* Minutes of the Synod of the Presbyterian Church of England, 1908; pages 515-516.

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